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Letter dated 22 January 2014 from the Coordinator of the Group of Experts on the Democratic Republic of the Congo addressed to the President of the Security Council

On behalf of the Group of Experts on the Democratic Republic of the Congo, whose mandate was extended pursuant to Security Council resolution 2078 (2012), and in accordance with paragraph 5 of that same resolution, I have the honour to submit herewith the final report of the Group of Experts (see annex).

In this connection, I would appreciate if the present letter, together with its annex, were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Emilie **Serralta**
Coordinator
Group of Experts on the Democratic Republic of the Congo

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Annex

Letter dated 12 December 2013 from the Group of Experts on the Democratic Republic of the Congo addressed to the Chair of the Security Council Committee established pursuant to resoiution 1533 (2004) concerning the Democratic Republic of the Congo

The members of the Group of Experts on the Democratic Republic of the Congo have the honour to transmit the final report of the Group, prepared in pursuance of paragraph 5 of Security Council resolution 2078 (2012).

(*Signed*) Nelson **Alusala**

(*Signed*) Daniel **Fahey**

(*Signed*) Henry **Fomba**

(*Signed*) Bernard **Leloup**

(*Signed*) Marie **Plamadiala**

(*Signed*) Emilie **Serralta**

Final report of the Group of Experts on the Democratic Republic of the Congo

Summary

The most significant event of the year was the military defeat of the Mouvement du 23 mars (M23) rebel movement in the Democratic Republic of the Congo and its flight to Rwanda and Uganda. The Group of Experts on the Democratic Republic of the Congo documented human rights abuses by M23 during 2013 and confirmed that M23 received various forms of support from Rwandan territory, including recruitment, troop reinforcement, ammunition deliveries and fire support. At the time of writing the present report, the Group had received credible information that sanctioned M23 leaders were moving freely in Uganda and that M23 continued to recruit in Rwanda.

The victory of the Congolese armed forces (Forces armées de la République démocratique du Congo — FARDC) over M23, which was supported by the Force Intervention Brigade of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, has sent a strong message to other armed groups in the eastern part of the country. While some of these groups have become more aggressive or have adopted defensive postures for fear of being attacked by FARDC and the Brigade, several other armed groups have started to surrender and expressed willingness to integrate into the Congolese army and police. Numerous armed groups in eastern Democratic Republic of the Congo — particularly the Forces démocratiques de libération du Rwanda, the Allied Democratic Forces and Kata Katanga — continue to pose a threat to security. These groups are responsible for grave human rights abuses and massive displacement.

Many armed groups in eastern Democratic Republic of the Congo have derived funding from the production of and trade in natural resources. With respect to gold, the Group notes that many mining sites are in post-conflict areas, but that production from these areas is blended with production from conflict areas, particularly in the larger trading towns in eastern Democratic Republic of the Congo and in the transit countries of Burundi, Uganda and the United Republic of Tanzania. The lack of transparency in the gold trade makes it difficult to distinguish conflict gold from conflict-free gold. The Group estimates that 98 per cent of the gold produced in the Democratic Republic of the Congo is smuggled out of the country and that nearly all of the gold traded in Uganda — the main transit country for Congolese gold — is illegally exported from the Democratic Republic of the Congo. As a result, the Governments of the Democratic Republic of the Congo and Uganda are losing millions of dollars annually in tax revenue and tolerating a system that is financing armed groups in the Democratic Republic of the Congo.

While initiatives by the Organization for Economic Cooperation and Development and the International Conference on the Great Lakes Region have advanced the validation of mining sites and improved adherence to conflict-free and child labour-free international standards, armed groups and FARDC continue to control many mining sites and to profit from mining and the minerals trade. During 2013, minerals — particularly tin, tungsten and tantalum — continued to be smuggled from eastern Democratic Republic of the Congo through neighbouring countries, undermining the credibility and progress of international certification and

traceability mechanisms. The Group investigated the widespread killing of elephants for ivory in eastern Democratic Republic of the Congo, an activity that finances armed groups and criminal networks in the region.

In accordance with its mandate, the Group also documented serious violations of international humanitarian law, including the recruitment and use of child soldiers, summary executions, sexual violence and the targeting of civilian populations. While armed groups carried out many of these crimes, the Group also identified FARDC as a party to numerous violations.

I. Introduction

1. Pursuant to paragraph 5 of Security Council resolution 2078 (2012), the Group of Experts on the Democratic Republic of the Congo hereby submits its final report to the Council, through the Committee established pursuant to resolution 1533 (2004). In accordance with the request made by the Council in paragraph 21 of its resolution 2078 (2012), the Group exchanged information about natural resources with the Group of Experts on Côte d'Ivoire. The Group also consulted with the Analytical Support and Sanctions Monitoring Team, the Somalia and Eritrea Monitoring Group and the Panel of Experts on the Sudan. To make it easier to identify the sites named in the present report, the Group has included maps in annex 1.

Standards of evidence

2. The Group used the evidentiary standards recommended by the Security Council Working Group on General Issues of Sanctions (see S/2006/997,. The Group based its findings on documents and, wherever possible, on first-hand, on-site observations by the experts themselves. When this was not possible, the Group corroborated information by using at least three independent and reliable sources.

3. Given the nature of the conflict in the Democratic Republic of the Congo, there are few documents that provide definitive proof of arms transfers, recruitment, command responsibility for grave human rights abuses and the illegal exploitation of natural resources. The Group has therefore relied on eyewitness testimony from members of local communities, ex-combatants and current members of armed groups. The Group has also considered expert testimony by government officials and military officers from the Great Lakes region and United Nations sources. The Group sent 121 requests for information to Governments and companies and received varying levels of compliance with its requests, as described in annex 2. For the duration of the mandate, the Government of Rwanda did not allow the regional issues expert and the armed groups expert to enter Rwanda on official visits.

II. Congolese armed groups

A. Mouvement du 23 mars

4. The rebellion of the Mouvement du 23 mars (M23) grew progressively weaker, until the rebel group was militarily defeated in November. The main factors leading to the eventual defeat of M23 were: the division, in March 2013, of the movement, which led its former leader, Bosco Ntaganda, and 788 of his loyalists to flee to Rwanda; good collaboration and military operations against M23 by the Congolese armed forces (Forces armées de la République démocratique du Congo — FARDC) and the Force Intervention Brigade of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO); and increased international pressure on the Government of Rwanda, which contributed to reduced support for M23 from within Rwanda. The Group documented continued support from Rwandan territory to M23 until late October, including the arrival of soldiers of the Rwanda Defence Force (RDF) in the Democratic Republic of the Congo in August and the delivery of ammunition in June, July and August. The Group wrote to the Government of Rwanda to seek clarifications on this matter; at the time of

writing the present report, the Group had not received a reply.[1] Although M23 declared an end to its rebellion on 5 November, the Group has credible information that its remnants and allies are continuing to recruit in Rwanda.

Sources

5. During 2013, the Group interviewed 71 M23 ex-combatants and political cadres, of whom 34 were recruited in the Democratic Republic of the Congo, 23 in Rwanda and 14 in Uganda. In March, the Group interviewed an additional 14 M23 ex-combatants and political cadres who had surrendered in Rwanda. The Group also interviewed 3 RDF deserters, 1 demobilized RDF member and political cadres and members or ex-combatants of other armed groups with knowledge of M23.

6. The Group interviewed residents of areas under M23 control, including civil society leaders and villagers, as well as displaced people. The Group also interviewed community leaders in North Kivu, Congolese Government officials, members of the Expanded Joint Verification Mechanism and United Nations officials. The Group discussed M23 during two official visits to Rwanda and three official visits to Uganda. The Group wrote 13 letters requesting information about M23 to Governments and corporations. The Group also took and obtained photographs in M23 positions, made observations on the ground in and adjacent to M23-held areas, reviewed reports generated by United Nations agencies and the Expanded Joint Verification Mechanism and analysed documents retrieved from former M23 positions after the defeat of the movement.

Beginning of the end

7. Following the Mutaho battle in May (see S/2013/433, box under para. 43), there was relatively little fighting during June and early July. FARDC and M23 spent these months reinforcing their positions. During June and July, the Force Intervention Brigade continued to deploy around Goma and Sake.

8. Fighting resumed in mid-July. By the end of August, M23 lost territory, troops and morale as a result of fighting with FARDC, the Force Intervention Brigade and armed groups in Rutshuru. On 14 July, M23 attacked FARDC to dislodge the armed forces from Mutaho hill and the Kanyarucinya area, north of Goma. After three days of intense fighting, during which FARDC employed three attack helicopters, FARDC drove M23 back and took additional territory, including strategic points north of Munigi. On 24 July, FARDC used helicopters to attack M23 positions at

[1] After having submitted its final report to the Committee on 12 December 2013, the Group of Experts received a copy of a letter dated 12 December 2013 from the Deputy Permanent Representative of Rwanda. On 15 January 2014, the Permanent Representative of Rwanda addressed a letter, with six annexes, to the Chair of the Committee in connection with the 2012 (S/2012/843) and 2013 final reports of the Group. Having received the letter formally from the Chair, the Group has included in this report an annex entitled "Government of Rwanda response to allegations by the UN Group of Experts final report on DRC: 2013" (the first annex to the letter dated 15 January 2014), as well as the Group's reply (see annexes 109 and 110). In addition, the Group has annexed a letter dated 22 January 2013 from the World Bank regarding findings in the Group's 2012 final report, as well as the Group's reply dated 24 April 2013 (see annexes 111 and 112). The Group has also annexed a letter dated 22 January 2013 from the International Tin Research Institute in connection with the 2012 final report, as well as the Group's reply dated 3 June 2013 (see annexes 113 and 114).

Cavalry Lines, Rumangabo, 35 km north of Goma. Rounds shot by an FARDC helicopter landed in a civilian area, injuring at least seven civilians.

9. On 21 August, fighting restarted at Kibati, approximately 15 km north of Goma. Starting on 22 August, numerous rounds shot from the front lines landed in civilian areas in Rwanda and the Democratic Republic of the Congo (see box 1). Between 22 and 24 August, the Force Intervention Brigade artillery and attack helicopters backed FARDC ground troops in intense fighting in the Kibati area. Between 24 and 27 August, fighting subsided. M23 suffered losses in terms of equipment and leadership; at least 17 officers were killed during this period.

10. On 28 August, FARDC and the Force Intervention Brigade used tanks, armoured personnel carriers, attack helicopters, mortars and ground troops in a fresh attack on M23 positions along the Kibati front line. M23 resisted strongly, using its full arsenal, including anti-tank weapons, which caused the deaths of two Tanzanian officers of the Force Intervention Brigade. On 28 August, M23 shot rounds into Goma, injuring several people (see box 1), and into the MONUSCO base at Munigi, wounding two South African and two Tanzanian peacekeepers. On 30 August, FARDC succeeded in taking the "Three Towers" hill at Kibati, forcing M23 to retreat north towards Kibumba and Kanyamahoro (see annex 3). That victory pushed M23 artillery out of range of Goma. After 30 August, there were no additional shelling incidents in either Goma or Rwanda (see box 1).

11. Eight M23 ex-combatants told the Group that wounded soldiers were transported to either Rumangabo or Tshanzu. Former combatants also told the Group that some dead and wounded Rwandan soldiers were transported back to Rwanda for burial or medical care.

12. Following the gains made by FARDC against M23, international pressure led to a suspension of hostilities and the resumption of negotiations in Kampala on 10 September. There were skirmishes between FARDC and M23 along the front line on 16, 21, 23 and 25 September but, in general, the situation during the negotiations was calm. On 21 September, M23 reinforced its positions around Kibumba and Kahunga. Local residents in Kiwanja and United Nations sources told the Group about numerous cases of M23 troops looting, assaulting, abducting and arbitrarily arresting local people in their shrinking area of control.

Box 1

Shelling of the Democratic Republic of the Congo and Rwanda

The Government of Rwanda and United Nations sources estimate that between 22 and 30 August at least 43 rounds shot from the front lines in the Democratic Republic of the Congo landed in civilian areas in that country and in Rwanda. The rounds killed 2 people and injured 13 in the Democratic Republic of the Congo and killed 1 person and injured 3 people in Rwanda. Other rounds shot by M23 caused casualties in United Nations camps and positions (see para. 150).

In a report dated 1 October by the Expanded Joint Verification Mechanism about the August shelling events in Rwanda and Goma it was reported that, from the sites where the direction of the firing could be determined, 80 per cent of the fire came from the Kibati-Kibumba combat zone where M23 was positioned during the fighting. Regarding

the affected sites in Rwanda and Goma, the Mechanism concluded that although military objectives were not targeted, the shelling was judged to be deliberate (see annex 4).

On 30 September, the Government of Rwanda responded to a request for information from the Group by providing a list of 36 locations from which, between 22 and 29 August, artillery, mortars and tank rounds shot from the Democratic Republic of the Congo landed on Rwandan territory. According to the Government of Rwanda, 7 of the rounds were shot by mortars, 9 by tanks, 18 by cannons/howitzers, 1 by a rocket launcher and 1 by an unknown source. Of the 36 rounds, 27 exploded. All but two rounds hit fields, rocks or trees, one round landed in Kivu village, wounding one man, and another round landed in Ihumure village, killing a woman and seriously injuring her child. The Government of Rwanda claimed that some of the rounds that landed in Rwanda were fired by FARDC and consequently threatened to intervene in the Democratic Republic of the Congo; however, MONUSCO military sources and a former RDF soldier informed the Group that M23 had shot some or all of the rounds.

Between 22 and 30 August, seven rounds landed in Congolese territory, south of the front lines all the way to Goma. These rounds, which MONUSCO military and Congolese sources state were fired by M23, landed in civilian areas of Goma, including in the vicinity of camps housing displaced people on the outskirts of town. They damaged one school and several houses in Goma (see annex 5). Fire from M23 positions also damaged two United Nations ambulances, two United Nations armoured personnel carriers, two other United Nations vehicles and the residence of a MONUSCO staff member.

Staff of the United Nations Mine Action Coordination Centre investigated the shelling of Goma and determined that M23 probably fired the rounds from their positions in Kibati (see annex 6).

Collapse

13. The end of M23 came quickly after the collapse of the negotiations held in Kampala on 21 October. During the lull in fighting between early September and late October, all parties reinforced their positions and prepared for battle. M23 took advantage of the negotiations to deploy heavy weapons, including cannons. On 18 October, M23 prevented a delegation of the Expanded Joint Verification Mechanism from travelling to Tshanzu to examine an M23 weapons depot (see annex 7). Also on 18 October, M23 fired at but did not hit two South African helicopters of the Force Intervention Brigade near Kanyamahoro.

14. Early in the morning of 25 October, M23 attacked two FARDC positions in Kanyamahoro. FARDC drove back the M23 attacks and went on the offensive. Some M23 positions were strategically located near the Democratic Republic of the Congo-Rwanda border, including at Kabuye and Mount Hehu (see annex 8), which made it difficult for FARDC to strike without firing into Rwanda. From 25 to

27 October, M23 received fire support from RDF tanks at the Rwanda-Democratic Republic of the Congo-Rwanda border at Kabuhanga-Kabuye (see below).

15. During the final battles, armed groups operating in Rutshuru attacked M23 positions (annex 9). By 28 October, FARDC had rapidly advanced and pushed M23 back to its strongholds in Tshanzu and Runyoni, close to the border with Uganda and Rwanda. M23 destroyed an M23 T-55 tank as the movement retreated from Kibumba (see annex 10). On 30 October, FARDC captured Bunagana, on the border with Uganda, which had been the site of the M23 political headquarters.

16. When M23 intentionally shelled civilian areas in Bunagana on 4 November, the Force Intervention Brigade shelled Tshanzu using attack helicopters. FARDC kept up the pressure, using artillery and tank fire, and succeeded in capturing Tshanzu and Runyoni by 5 November. M23 abandoned a large stockpile of ammunition at Tshanzu (see annex 11). Although some M23 elements surrendered in the Democratic Republic of the Congo and some retreated to Rwanda, on 5 November the bulk of the remaining force under "Gen." Sultani Makenga crossed into Uganda (see box in annex 12).

17. The FARDC victory over M23 is due to several factors. First, FARDC had more troops and firepower. It had at least 6,000 troops during the final operation, who were supported by the Force Intervention Brigade, which had 400 troops on the ground. FARDC and the Brigade used helicopters to gather intelligence, for transport and to resupply, as well as to carry out aerial attacks. FARDC also used tanks, artillery and mortars to great effect. Second, FARDC and MONUSCO military leadership demonstrated good coordination and collaboration in the planning and execution of the operation. Third, in spite of continuous recruitment efforts, M23 suffered from declining numbers owing to casualties and desertions, as well as from low morale among the rank and file.

Box 2
M23 surrenders

FARDC officials told the Group that as at 25 November, 284 M23 military and police elements surrendered to FARDC at Kanyarucinya and Bweremana. Another 55 M23 elements had surrendered to MONUSCO in October and November. Congolese government officials and MONUSCO military sources estimate that fewer than 400 M23 troops crossed into Uganda.

On 19 November, the Government of Uganda replied to a request for information from the Group by stating that, on 5 November, 1,445 M23 combatants had entered Uganda, and that among them were Makenga and "Col." Innocent Kaina. The Government also stated that the M23 combatants had surrendered their weapons (annex 13). On 13 and 14 November, Ugandan authorities moved the ex-combatants from Kisoro to Hima, in Kasese district. The Group has asked the Government of Uganda for a list of these combatants and a clarification of their status, but at the time of writing the present report had not received an answer.

Recruitment

18. The Group interviewed 71 M23 ex-combatants who surrendered during 2013 and provided information about their recruitment during 2012 and 2013 in the Democratic Republic of the Congo, Rwanda and Uganda. These individuals were forcibly recruited into M23, having accepted false promises of employment and volunteering. Recruits told the Group they were trained in groups of around 80 people, notably at Rumangabo training camp. They identified the head trainer as Maj. Magido. The Group obtained copies of notebooks used in the training of M23 recruits (see annex 14). A document obtained by the Group dated 4 July 2013 shows that M23 allocated funds for recruitment and the transport of recruits (see annex 15).

Democratic Republic of the Congo

19. The Group interviewed 34 Congolese citizens who were either forced to join M23 or who joined voluntarily. Of these, one was a woman and two were boys aged 15 and 16; the rest were men. In late July, United Nations sources reported that M23 was forcibly recruiting civilians — and shooting those who resisted — in Bushama and Rutovu villages, Kibumba. The Group obtained a receipt dated 2 November 2012 showing that Kevin Bitabwa, a political cadre in M23, received $750 to help in the recruitment of cadres for M23 in Goma (see annex 16).

Rwanda

20. The Group interviewed 23 people from Rwanda who served in M23. Of these, 18 were Rwandan citizens and 5 were Congolese citizens living in Rwanda. The Group also interviewed 31 ex-combatants from Burundi, the Democratic Republic of the Congo and Uganda who told the Group that Rwandan citizens and/or Congolese refugees from Rwanda had served with them. Between 1 January and 8 December 2013, MONUSCO repatriated 78 Rwandan citizens who had served in M23.

21. Of the 23 recruits from Rwanda, 18 were adults and 5 were children. They ended up serving in M23 through a variety of means. The Group interviewed three Rwandan citizens, including a 16-year-old boy, who were forced to join M23. It also interviewed 13 Rwandan citizens, including boys aged 13, 15 and 17, who were recruited into M23 either as volunteers or through false promises of employment. The Group interviewed an RDF Special Forces soldier who deployed at the Rwanda-Democratic Republic of the Congo border in August 2013 during an RDF deployment into the Democratic Republic of the Congo in support of M23 and later deserted. The Group also interviewed five Congolese citizens recruited in Rwanda, including a 17-year-old boy.

22. The Group has confirmed that some of the M23 recruits from Rwanda were demobilized RDF soldiers (see S/2013/433, paras. 40-43). Former M23 officers and soldiers told the Group that demobilized RDF soldiers served in M23 as trainers and operators of heavy weapons. Four M23 ex-combatants told the Group that Maj. Kalissa Rwema, a former RDF officer, served as a trainer for M23 at Rumangabo. United Nations sources and two former M23 officers told the Group that a former RDF soldier known only by the nickname "Kifaru" was part of the crew of the T-55 tank that M23 used in combat (see S/2013/433, annex 5).

23. In its midterm report, the Group noted that Rwandan nationals who deserted M23 and returned directly to Rwanda were forcibly sent back to M23 by RDF

officers (see S/2013/433, para. 38). Two RDF officers who had deserted, a demobilized RDF officer, a former M23 officer and an M23 recruiter of Rwandan nationality told the Group that RDF officers had also recruited for M23 and facilitated recruitment by M23 recruiters by allowing them safe passage in Rwanda.

24. M23 paid Emmanuel Ngabo $750 to help in recruiting cadres for M23 in Gisenyi, Rwanda (see annex 16). Gaspard Karemera, the M23-appointed administrator of the Nyragongo territory, also travelled to Rwanda to recruit and facilitate the crossing of recruits through the border at Kabuhanga. After the M23 defeat in November, MONUSCO officials informed the Group that they had recovered Rwandan national identity cards at former M23 positions at Rumangabo (see annex 17). FARDC also recovered such cards. The Group is investigating reports of continued recruitment in Rwanda after the M23 defeat.

Uganda

25. The Group interviewed 14 men who had been recruited in Uganda following the acceptance of false offers of employment. Of these men, 13 were Ugandan citizens and 1 was Burundian. Between 1 January and 8 December 2013, MONUSCO repatriated 23 Ugandan citizens who had been members of M23.

26. M23 maintained a recruiting network in Kampala that promised men lucrative jobs as security guards with the United Nations or oil exploration companies in the Democratic Republic of the Congo or jobs as drivers or mechanics. Ex-combatants identified "Mufuruki" (see S/2013/433, para. 39), "Grace", "Emmanuel" and "Agnes" as the main recruiters in Uganda. Several men recruited this way had previously served as security guards at United States installations in Iraq and had been specifically recruited because they had some military training.

27. Recruiters would assemble groups of 10 to 15 men who had accepted offers of employment and accompany them on a bus from Kampala to Kisoro, close to the border with the Democratic Republic of the Congo. In Kisoro, Kazungu, an M23 officer would receive them and escort them across the border (see S/2013/433, para. 39). In Bunagana, M23 members took the identification documents, telephones and money from the men and then sent them to Rumangabo to undergo training. The Group interviewed three men who had served in Iraq, one of whom told the Group that he and three other Iraq veterans had initially resisted and demanded to go back to Uganda but relented after being threatened at gunpoint.

Support from Rwandan territory

28. The Group has documented that M23 continued to receive support from Rwandan territory. The most consistent forms of support were through recruitment, as mentioned above, and the provision of arms and ammunition, particularly during periods of combat. M23 also received direct troop reinforcement from Rwandan soldiers in August. During the fighting in October, Rwandan tanks fired into the Democratic Republic of the Congo in support of M23.

29. In August, RDF soldiers crossed into the Democratic Republic of the Congo for short periods of time to join M23 and participate in combat operations. Ten residents of Kibumba and four M23 ex-combatants told the Group that they witnessed the arrival of RDF soldiers during the fighting in August, including between 22 and 24 August and on 27 August. Notably, troops came from Rwanda

through the Kabuhanga border post. In addition, a Rwandan Special Forces soldier who had previously served with RDF as part of the African Union-United Nations Hybrid Operation in Darfur (see annex 18) told the Group he had deployed in August from Mudende as part of a reinforcement operation. While some RDF soldiers joined M23 directly, he escorted a commander to the slopes of the Karisimbi volcano, from where they had visual surveillance of the M23-controlled area and communication links with RDF forces operating with M23. RDF reinforcements were also confirmed by two additional RDF deserters, one demobilized RDF officer, FARDC officers and MONUSCO sources.

30. The Group documented that during the final combat, RDF tanks were present at the border, in both Kabuhanga, Rwanda, and Kabuye, the Democratic Republic of the Congo. Numerous eyewitnesses in Kabuye pointed out to the Group the place where, on 25 October, two RDF tanks had crossed the border and entered Kabuye; additional RDF tanks were positioned just on the other side of the border, in Kabuhanga. According to corroborating testimonies from 15 people displaced from the border area to Goma and from 10 local residents who stayed in Kabuye on 25 October, the RDF tanks in the Democratic Republic of the Congo and Rwanda fired at FARDC positions. In addition, FARDC commanders and troops, a foreign journalist on the ground and a diplomat confirmed that RDF tanks had fired from the border at Kabuhanga and Kabuye starting on the afternoon of 25 October until 27 October. The tank fire prompted most of the population of Kabuye and other border villages to flee to Goma and neighbouring villages in Rwanda. On 6 November, the Group wrote to the Government of Rwanda to seek clarifications on this event; at the time of writing the present report, however, the Group had not received a reply.

31. Twenty-eight M23 ex-combatants, local people living in the Democratic Republic of the Congo close to the Rwandan and Ugandan borders, Congolese authorities and United Nations sources told the Group that M23 had received deliveries of arms and ammunition through the Kabuhanga-Kabuye (Rwanda) and Bunagana (Uganda) border crossings. These sources stated that the ammunition, which included rifle and machine-gun ammunition, 12.7 mm rounds, anti-tank rounds and rocket-propelled grenades, usually came at night, in trucks. Six ex-combatants told the Group they saw white trucks bringing ammunition from Rwanda through the Kabuhanga border crossing during June, July, and August. Several M23 ex-combatants told the Group they personally ferried ammunition from Kabuhanga, Rwanda, into Kibumba, the Democratic Republic of the Congo.

Financing

32. During 2013, M23 financed its rebellion primarily by levying taxes on and looting the population in its area of control, a method similar to that employed by the Congrès national pour la défense du peuple (CNDP) in 2008 (see S/2008/773, paras. 33 and 35-47). Three former M23 officers told the Group that, during 2013, most of the income of M23 came from household taxes, transport taxes and revenue from businesses and properties (see annex 19). The Group found no evidence that M23 was engaged in the minerals trade in 2013.

33. Three former M23 officers, Congolese authorities and United Nations sources told the Group that M23 demanded money from vehicles passing through barriers at Kitoboko, Nyongera, Nyamabongo, Kibati and Bunagana; the Group witnessed M23

collecting money at numerous roadblocks. According to three M23 ex-combatants, the amount demanded by M23 ranged from $400 to $1,200, depending on the contents of the vehicles. The Group also obtained a receipt for a payment of $420 made, in May, by the owner of a truck (see S/2013/433, annex 22). In July, the chief of finance of M23, Erasto Bahati (see S/2011/738, para. 310), wrote a memo complaining that the activities of the Mai Mai and Nyatura groups were decreasing traffic through M23 territory and consequently leading to a loss in taxes (see annex 20).

34. Ugandan authorities told the Group that, in November 2013, Uganda closed the Bunagana border. M23 ex-combatants, local residents and observations by the Group at Bunagana confirmed, however, that many trucks passed through the Bunagana border daily, providing revenue to M23. M23 controlled Bunagana from June 2012 to early November 2013. Prior to the M23 takeover — from January to June 2012 — Congolese customs collected 3.5 billion Congolese francs ($3.9 million) at the Bunagana border post from taxes imposed on trucks entering from Uganda (see annex 21). This suggests that the Government of the Democratic Republic of the Congo lost approximately $650,000 in revenue per month during the M23 occupation of Bunagana.

35. Two former M23 officers told the Group that the household tax consisted of either a payment of between 800 and 1,000 Congolese francs ($0.89-$1.11) per household per month or an in-kind donation of food from the households in areas under M23 control. One of the former officers, who was in charge of keeping M23 household tax records, told the Group in September that although not every household paid every month, the tax raised approximately $3,000 per month between November 2012 and August 2013. Although money was collected from various taxes, M23 ex-combatants told the Group that they were never paid during their time of service. One former M23 officer told the Group: "We were sustained on hope that one day they would pay us."

36. M23 also looted money and goods from local populations. People living in areas controlled by M23 and United Nations sources told the Group that M23 combatants robbed houses and people, particularly between July and October, when M23 lost strength.

37. The assistant to the chief of finance of M23 was Castro Mberabagabo Mbera. During the CNDP rebellion, he was in charge of finance, including of gathering revenue at the Bunagana border post (see S/2008/773, paras. 21 and 36). Mbera lived in and has family in the United Kingdom of Great Britain and Northern Ireland.

Post-M23 period

38. Although M23 was militarily defeated on 5 November, new challenges related to its rebellion have emerged. The Group has received credible reports from United Nations sources and Congolese authorities that M23 cadres and their allies are recruiting in Rwanda.

39. At the time of writing the present report, no agreement had been reached between M23 and the Government of the Democratic Republic of the Congo in the framework of the Kampala talks. On 13 November, the Permanent Secretary of M23, Serge Kambasu Ngeve, released a communiqué signalling his willingness to sign a peace agreement with the Government. On 27 November, Sultani Makenga

issued a communiqué from Kampala supporting the decision of the president of M23, Bertrand Bisimwa, to suspend Kambasu Ngeve and Jérôme Mashagiro Nzeyi for "indiscipline and high treason" (see annex 22).

40. Since the defeat of M23, several armed groups have started to surrender and others have expressed a willingness to surrender, with the notable exception of ADF. On 20 November, FARDC commander Gen. Didier Etumba issued a call for all armed groups to surrender (see annex 23). By 30 November, approximately 2,230 combatants from Nduma Defence of Congo (NDC), the Alliance pour un Congo libre et souverain (APCLS), the Coalition des patriotes résistants congolais (PARECO), Mai Mai Hilaire, Raia Mutomboki and other small Mai Mai groups had surrendered to FARDC in North Kivu (at Beni, Bweramana and Kanyaruchinya) and South Kivu (at Nyamunyunyi). The Government of the Democratic Republic of the Congo has a new disarmament, demobilization and reintegration programme, but the Group is concerned about the lack of clarity about the programme, given past integration failures (see annexes 24 and 25, S/2009/603, para. 12, and S/2011/738, paras. 278-331).

41. The Group is also concerned about reports of large amounts of explosive remnants of war in the area previously occupied by M23, notably the M23 stockpile at Tshanzu (see annex 11). The United Nations Mine Action Coordination Centre is currently conducting an assessment of explosive remnants of war in the M23 zone.

B. Nduma Defence of Congo

42. Sanctioned individual Sheka Ntabo Ntaberi, who leads NDC, established his headquarters at Pinga, on the boundary between Walikale and Masisi territories. During 2013, NDC continued to commit crimes against civilian populations. In September and October, MONUSCO documented the killing of 72 civilians (including 36 children), the rape of 15 women and the systematic burning of 185 houses by NDC.

43. A former NDC soldier and NDC cadres told the Group that Ntaberi's main objective was to fight FDLR. NDC cadres told the Group that NDC took control of 13 of the 15 "groupements" in Walikale from FDLR and still needed to "liberate" from the FDLR the two "groupements" of Ikobo and Kisimba.

44. NDC has become an ally of the Raia Mutomboki from Walikale, with which it shares the same objective of fighting FDLR, according to NDC and Raia Mutomboki cadres. NDC had become an ally of M23 until the movement had split in March 2013, after which time the ties between the two groups weakened. In Pinga, clashes have repeatedly taken place between NDC and FDLR, APCLS and Nyatura (see para. 99). Ethnic tensions between Nyangas and Hundes have prompted Ntaberi to carry out violent attacks in APCLS-held areas inhabited by ethnic Hundes.

45. According to three former NDC combatants, civil society representatives and United Nations sources, NDC controls and taxes dozens of mines, including Montjolie and Irameso, in Walikale territory.

46. On 6 November, the day after FARDC defeated M23, Ntaberi sent a letter to the Government of the Democratic Republic of the Congo listing several demands, including amnesty for all NDC members and their integration into FARDC or the

Congolese National Police, with the recognition of all (self-proclaimed) ranks (see annex 26). During the last week of November, Ntaberi sent 140 troops, including at least 10 children, to surrender to MONUSCO in Pinga. Ntaberi himself did not surrender and the troops he sent had only 12 weapons, all of which were unserviceable.

C. Kata Katanga

47. In Katanga Province, the armed movement known as Kata Katanga is responsible for serious human rights abuses and war crimes. Kata Katanga militants have carried out small-scale attacks during 2013 in Lubumbashi (the capital of Katanga Province) and primarily targeted civilians living in rural areas of Manono, Mitwaba, Moba and Pweto territories. Kata Katanga is under the military command of Kyungu Mutanga (alias Gédéon) (see S/2013/433, para. 83), but receives various forms of support from Gen. John Numbi Banza Tambo, former Inspector General of the national police (see annex 27), and other politicians. According to United Nations sources, Kata Katanga attacks, along with FARDC operations, have displaced more than 360,000 people in Katanga as at 30 September.

48. Kata Katanga (a Swahili phrase meaning "cut off Katanga") is a loose network of armed groups and political movements that officially advocate secession for Katanga Province. The struggle for Katanga's independence has existed for decades and is supported by some intellectuals and political leaders in Lubumbashi, who told the Group in May and October 2013 that Kata Katanga is the militant wing of the independence movement (see S/2013/433, paras. 85-86, and S/2011/738, paras. 272-277).

49. While local residents and leaders in Mitwaba territory and in Lubumbashi told the Group that Gédéon is the overall military commander of Kata Katanga, various local groups operating under the Kata Katanga banner appear to operate semi-autonomously. During 2013, Gédéon was active in his native Manono territory. In late October 2013, however, numerous government and local sources told the Group that Gédéon had moved to the outskirts of Lubumbashi, near Kinsevere. In addition to Gédéon, other important Kata Katanga field commanders are: Kasompobe (Manono territory), Gérard Yorgo Kisimba (Manono territory), Bakwanga (Moba territory), Katenda (Moba territory), Kafindo (Pweto territory), Kele Kele (Mitwaba and Pweto territories), Kalenge (Pweto territory) and Totché (Manono, Moba and Mitwaba territories).[2] Ferdinand Ntanda Imena, whose loyalists organized the 23 March 2013 protest in Lubumbashi (see S/2013/433, paras. 84 and 88), also commands some influence, but is considered much less powerful than Gédéon.

50. Kata Katanga includes the Coordination pour le référendum et l'autodétermination du Katanga (CORAK) (see S/2011/738, para. 273), which is based in Lubumbashi and has a military wing and a political branch. The leader of the military wing, called CORAK Kata Katanga, is Tshinyama Ngonga Ya Cingo Gédéon (not to be confused with the aforementioned Gédéon), who told the Group in May 2013 that he had led several commando attacks in 2011 and 2012 in Lubumbashi (see S/2011/738, paras. 274-275). On 7 September 2013, FARDC tried unsuccessfully to kill Tshinyama. In an 11 July 2013 letter to MONUSCO, the

[2] In November 2013, Totché surrendered to Congolese authorities.

political leader of CORAK, Matuka Munana Tshitshi Simon, threatened to attack MONUSCO because of its support for the Government and a unified Democratic Republic of the Congo (see annex 28).

51. The Group has obtained credible information from four senior Congolese military, intelligence and political sources that Gen. Numbi provides military, financial and logistical support to Kata Katanga militants. On 2 April 2013, Numbi's lawyers held a press conference in Lubumbashi to reject accusations of any link between their client and Kata Katanga.

52. Numbi, who has held numerous positions in the Government of the Democratic Republic of the Congo (see S/2004/551, paras. 55-59, and S/2009/603, para. 197), including Inspector General of the national police, currently resides on his farm outside Lubumbashi. The aforementioned high-level sources and civil society leaders in Lubumbashi told the Group that they believe Numbi is untouchable because of his close ties to top officials. Indeed, the Group found that local people and government officials are afraid to speak about Numbi and his support of Kata Katanga.

53. Numbi has provided arms and ammunition to Kata Katanga militants and used his farm outside Lubumbashi as a base for Kata Katanga. The aforementioned sources told the Group that Kata Katanga elements stayed at Numbi's farm prior to the 23 March protest march in Lubumbashi (see S/2013/433, annex 48). Numbi also aided the militants who attacked the house of an FARDC Lt. Col. on 28 October in Lubumbashi by enabling them to plan and launch the operation from his farm (see annex 29). Three high-level sources told the Group that Numbi has an arms cache at his farm, but government security forces do not have authorization to raid the farm.

54. The links between Numbi and Kata Katanga highlight the fact that Kata Katanga is not simply a secessionist movement: it serves to further multiple political and economic agendas. At the local level, individual Kata Katanga groups attack villages and populations that oppose a secessionist agenda, that consist of populations the militants consider to be foreign to Katanga and that host or have hosted FARDC soldiers. Several local leaders in the territories of Malemba Nkulu and Mitwaba, as well as sources in Lubumbashi, reported that Kata Katanga also frequently attacks villages as part of local struggles for power and political leadership. At the provincial level, Kata Katanga attracts followers mainly in north-central Katanga, where there is less wealth and development than in southern Katanga. The movement thus embodies the north-south tensions that exist within Katanga, particularly over questions of federalism and decentralization (see S/2013/433, para. 85).

55. At the national level, the tolerance of Numbi's support indicates acquiescence at the highest levels of government. The Kata Katanga movement became active just before the 2011 elections and several well-placed sources and local leaders in Katanga believe the group serves the interests of political and economic elites at the national and provincial levels. These elites may use Kata Katanga to create instability or, conversely, stability, depending on their needs. As an example of the former, following the 28 October attack in Lubumbashi (see annex 29), the President of South Africa, Jacob Zuma, and a delegation of South African businessmen cancelled their visit to Lubumbashi planned for 29 October to negotiate business deals. As an example of the latter, United Nations sources report that on 17 November 2013, Zoe Kabila (the younger brother of the President of the Democratic Republic

of the Congo, Joseph Kabila), met with commander Totché (mentioned above), who surrendered in Manono a few days before, along with several hundred of his militants.

56. Dozens of villagers in Mitwaba and Pweto territories, local leaders in Mitwaba and United Nations sources told the Group that FARDC elements in Katanga are responsible for numerous abuses. FARDC soldiers have raped dozens of women and girls during the course of their operations in 2013 against Kata Katanga in Mitwaba territory (see para. 140). Owing to inadequate logistical support, FARDC soldiers conducting operations in rural areas routinely demand food, transport, housing and other goods and services from local populations.

57. FARDC is also present at some tin mines in Mitwaba territory. Two tin miners and a local resident told the Group that FARDC had a camp inside the mine at Kansowe, which is forbidden by the national mining code. These same sources and a local leader in Mitwaba told the Group that FARDC soldiers were present at and engaged in mining at Kifinga. They said that Kata Katanga attacked Kifinga on 16 October, just a few days after the FARDC detachment had left.

D. Forces de résistance patriotiques en Ituri

58. In its midterm report, the Group noted the lack of progress made in addressing the Forces de résistance patriotiques en Ituri (FRPI), a rebel group in Irumu territory, Ituri district (see S/2013/433, para. 79). Starting in August, FARDC launched an operation against some 300-500 FRPI rebels, which weakened but did not defeat the armed group. The operation has caused a humanitarian crisis and the Office for the Coordination of Humanitarian Affairs and a Congolese civil society group told the Group that, by late September, approximately 150,000 people had been newly displaced because of the fighting.

59. FRPI controlled a part of Irumu territory that included gold mines (see para. 164) and part of "Block III" an oil exploration area that stretches from north-eastern North Kivu into southern Ituri. At a public meeting held in Bunia in June, representatives from Total, the French oil company that has rights to Block III, told local civil society leaders that they planned to start exploration by the end of 2013, but needed the Government to solve the FRPI problem first. Total did not respond to the Group's requests that it clarify its position and that it release its social and environmental assessment of the zone controlled by FRPI.

60. The FARDC operation began on 23 August. FARDC officers and United Nations sources told the Group that FRPI used child soldiers during the operation and that civilian populations were used as human shields. In May, the Group also observed child soldiers during a visit to FRPI territory. In addition, FARDC committed crimes, including summary execution, illegal taxation and large-scale destruction of property.

61. Government forces initially advanced rapidly as FRPI troops retreated towards Aveba (see annex 30). On 27 August, FRPI forces near Aveba blended in among the displaced population and then attacked FARDC. FRPI cut off part of the retreating FARDC army and inflicted heavy casualties. Within a few days, FRPI had retaken most of the territory liberated by FARDC. In late September, FARDC counter-attacked and retook all of southern Irumu's main towns. As at the end of November, FRPI

continued to wage a guerrilla war but is severely weakened and confined to remote areas south-east of Gety and south of Aveba.

62. FARDC planned and launched the operation unilaterally and informed MONUSCO and the humanitarian community only the day before launching its attack. FARDC started the operation with insufficient logistical support, which limited progress on the battlefield and led to predatory behaviour by soldiers who demanded food and money from local populations. FARDC Gen. Fall Sikabwe told the Group that the attack was a joint operation with MONUSCO, a statement that MONUSCO military leaders denied to the Group. MONUSCO was not involved in the planning of the operation. After it was launched, however, it provided food and fuel for FARDC soldiers, used its helicopters to deliver supplies and evacuated and treated wounded troops.

63. The suddenness of the operation and its deterioration into a guerrilla war has caused a humanitarian crisis. United Nations agencies were slow to respond to this crisis because MONUSCO prohibited travelling or delivering aid to the affected areas. Only the humanitarian groups Médecins sans Frontières (MSF) and Medair delivered supplies directly to affected populations. The greatest needs have been for food and health care, but United Nations sources and Catholic church officials report that tens of thousands of children have also been prevented from attending school.

E. Mai Mai Morgan

64. Since the Group's midterm report, militias associated with Paul Sadala (alias Morgan) have continued to attack local populations in and around the Okapi Fauna Reserve in Haut Uélé and Ituri districts of Orientale Province.

65. Morgan is infamous for poaching elephants in the Okapi Fauna Reserve but during 2013 he shifted his focus to attacking gold mines (see annex 31). In September and October, Morgan and his men attacked several gold mines, including at Mutshatsha, Kulungu and Lubumbashi (a site on the border between Lubero and Mambasa territories). In those attacks, Morgan's men typically stole gold, pillaged food and other goods, raped women and girls, kidnapped people to carry looted goods and forced women into sexual slavery to be "wives" for militia members. In one attack, on 22 October at Sohuma, in a gold-mining area south-west of Mambasa town, Manu Mboko led an attack in which 6 women were raped and 50 people were taken hostage; the hostages were released upon payment of money or gold.

66. Despite his record of human rights violations, Morgan persists in his activities because he has close relationships with senior leaders in the FARDC ninth military region (Kisangani), including Maj. Gen. Jean Claude Kifwa. Throughout its investigations of the relationship between Morgan and Kifwa, the Group has noted that people who know about Kifwa's actions are reluctant to speak openly about Kifwa. As one Congolese official told the Group: "People are afraid to talk about him because of his methods."

67. Nonetheless, five officials of the Government of the Democratic Republic of the Congo, including an FARDC officer, confirmed to the Group that Kifwa provides Morgan with logistical support and hinders government efforts against Morgan. These officials stated that through loyal FARDC officers Kifwa provides arms and ammunition to Morgan in exchange for gold; in the past, they traded arms

for ivory (see S/2012/843, para. 129). In January 2013, a joint operation by FARDC, the intelligence agency of the Government and the national police raided Morgan's house in Kisangani (at Plot 42, 7th route, Kabondo) and arrested several people suspected to be members of Morgan's family. The following day, FARDC officials in Kisangani freed those who had been arrested. Three Congolese officials and several civil society leaders told the Group that Kifwa enjoys impunity because he is President Kabila's cousin.

F. Raia Mutomboki

68. In 2013, the Group monitored the activities of Mai Mai Raia Mutomboki, a loose network of groups initially formed in Shabunda to oppose FDLR, and documented several cases of attacks against FARDC and the local populations in South Kivu and North Kivu (see S/2013/433, paras. 60-61). In one noteworthy attack, on 5 November, armed men under Raia Mutomboki commander Sisawa attacked FARDC soldiers of the 1010th regiment near the Shabunda helipad as a MONUSCO helicopter was landing. The faction believed MONUSCO was trying to bring M23 combatants to Shabunda.

69. The various Raia Mutomboki warlords finance their rebellion by imposing taxes on mines and collecting taxes at roadblocks. A civil society member, the local administrator and a Congolese intelligence agent told the Group that Raia Mutomboki elements in Shabunda are not engaged directly in the exploitation of minerals.

70. In September and October, members of civil society, local leaders, local security committee and local authorities carried out an awareness-raising campaign aimed at convincing the different factions of Raia Mutomboki to disarm. The campaign culminated in a meeting held in Byangama, Shabunda, from 18 to 21 November. At the meeting, local leaders asked Raia Mutomboki commanders — who had arrived with 742 armed militia members — to disarm, because FDLR was no longer present in Shabunda. The Raia Mutomboki leaders demanded a formal disarmament programme to help their militia members to reintegrate into civilian life. As a result of the meeting, some Raia Mutomboki have disarmed and Raia Mutomboki leader and former M23 ally Albert Kahasha (alias Foca Mike) surrendered to the Congolese authorities (see S/2012/348, para. 126).

III. Foreign armed groups

Allied Democratic Forces

71. During 2013, ADF grew stronger and became more aggressive, kidnapping dozens of local people, targeting medical facilities, shipments and staff, abducting humanitarian workers and attacking MONUSCO peacekeepers. According to Ugandan officials and United Nations sources, ADF has an estimated strength of between 1,200 and 1,500 armed fighters located in north-east Beni territory of North Kivu Province, close to the border with Uganda. These same sources estimate the total ADF membership, including women and children, to be between 1,600 and 2,500 people. The sanctioned ADF leader, Jamil Mukulu, remains in the Democratic Republic of the Congo.

72. The Group determined that, during 2013, foreign Arabic-speaking men conducted military training courses and operations with ADF. The Group has not, however, been able to firmly establish the nationalities of these foreigners or their organizational affiliation. At the time of writing the present report, the Group had not found evidence that ADF had links with either Al-Shabaab or Al-Qaida. The Group consulted with the Somalia and Eritrea Monitoring Group, which has no evidence of links between ADF and Al-Shabaab. The Group also consulted with the Analytical Support and Sanctions Monitoring Team, which has no evidence of links between ADF and Al-Qaida. Other United Nations sources and foreign diplomats also told the Group they had no evidence of links between ADF and either Al-Shabaab or Al-Qaida.

73. As a result of offensive military operations conducted during 2013, ADF now controls approximately 420 km^2 in Beni territory. This geographic expansion has mainly focused on the area between Mbau and Kamango and on the area close to the Ugandan border near Kamango. In late November, MONUSCO sources and Congolese officials told the Group that ADF had evacuated its main bases in anticipation of an attack by FARDC and the Force Intervention Brigade.[3] ADF has dispersed its troops to numerous smaller bases,[4] and moved women and children to areas west of Beni and along the Ituri-North Kivu border. MONUSCO sources further informed the Group that ADF has deployed combatants to large towns in Beni territory, including Beni and Butembo, and has threatened to attack MONUSCO in Beni in the event of military operations against ADF.

74. Former ADF members and Ugandan authorities told the Group that ADF leaders claim that their objective is to overthrow the Government of Uganda and establish an Islamist State in Uganda (see S/2010/596, para. 108, and S/2011/738, para. 41). Since 1995, when it was formed with the help of the Mobutu regime and the Government of the Sudan, ADF has made remarkably little progress towards this goal. Nonetheless, ADF has emerged as a large, highly organized and dangerous force, which has destabilized both Beni territory and neighbouring areas of Uganda.

75. In March 2013, Mukulu promoted Jaber Ali Nansa (alias Jaberi Alrsa, Katyusha) to be the new ADF military commander following a disagreement with the former commander, David "Hood" Lukwago (see S/2011/738, para. 42). Nonetheless, Lukwago reportedly remains a senior member of ADF (see annex 32). United Nations sources told the Group that Jaber has been to both Afghanistan and Saudi Arabia; however, the Group was not able to determine if Jaber has links with Al-Qaida or other extremist militant entities. Benjamin Kisokerano is the chief intelligence officer of ADF (see S/2013/433, para. 96).

76. According to ADF ex-combatants, United Nations sources and Ugandan officials, ADF recruits Muslims from Uganda, the Democratic Republic of the Congo and other East African countries to join its ranks voluntarily. The Group interviewed three former ADF combatants who escaped during 2013, who confirmed that ADF recruiters in Uganda also lure people to the Democratic Republic of the

[3] The main bases of ADF were Madinat Tawheed Muwaheedina (formerly called Nadui), Canada (formerly called Chutchubo, for ADF Special Forces) and Commander Ibrahim Battle Group (formerly called Makoyoba).

[4] During 2013, ADF established new bases at Kambi ya Jua, Lwanoli, Semuliki, Bundwasana, Kichanga and Gawa. It also maintained older bases at Bundiguya, Buvata, Mutara, Madowadowa, Saa Sita and Mamundioma.

Congo with false promises of employment (for adults) and free education (for children), and then force them to join ADF. According to local civil society groups and United Nations sources, ADF is responsible for a large proportion of the more than 300 people who have been kidnapped in Beni territory since early 2013. Former combatants and United Nations sources told the Group that many of those kidnapped have been forced to join ADF as either soldiers or staff.

77. Very few people manage to escape from ADF because they are thoroughly indoctrinated and terrorized by ADF leaders, who brutally kill people who are caught trying to escape, either by beheading or, according to one ADF escapee, crucifixion. Between 1 January and 8 December 2013, MONUSCO repatriated only three ADF combatants to Uganda.

78. ADF subjects the people it recruits or abducts to a four-month training regimen. This training includes instruction on the Koran (in Arabic) but is mainly focused on military skills. Former ADF combatants told the Group that the training groups typically include men and boys and involve skills such as marching, hand-to-hand fighting and shooting a variety of guns. Upon completion of basic training, graduates are assigned to one of numerous ADF camps. Muhammed Luminsa is the ADF training commander (see annex 32), but two boys who escaped from ADF in 2013 told the Group a man called Kalume had trained them.

79. In addition to basic training, ADF conducts specialized training sessions, sometimes led by foreign trainers. One former ADF child soldier told the Group that a foreign trainer who spoke Arabic gave instruction on how to conduct covert operations, including in large towns such as Beni. Ugandan authorities told the Group that, during 2013, Arabic-speaking trainers have given trainings in the construction of improvised explosive devices. There is no evidence, however, that ADF has used such devices to date.

80. Starting in June, ADF intensified attacks on FARDC positions along the Mbau-Kamango road, killing several soldiers and forcing FARDC to abandon outposts. On 14 July, ADF ambushed a MONUSCO patrol on that road, resulting in the loss of an armoured personnel carrier and a Land Cruiser pick-up truck, as well as the injury of three Nepalese peacekeepers (see para. 149 and annex 33). On 15 July, ADF shot at and hit two MONUSCO helicopters sent to reconnoitre the site.

81. ADF also attacked numerous villages, including Kamango, an attack that prompted more than 66,000 people to flee to Uganda. These attacks depopulated a large area, which ADF has since controlled by abducting or killing people who return to their villages to collect food from their gardens. Between July and September, ADF decapitated at least five people in the Kamango area (including the local chief), shot several others and kidnapped dozens more. These actions have terrorized the local population and deterred people from returning home.[5]

Attack on Kamango

82. The most significant ADF attack of 2013 took place on 11 July at Kamango. Kamango, the capital of Watalinga chiefdom, is located 10 km from the border with Uganda and had a population of approximately 9,200 people (see annex 34).

[5] United Nations sources report that early in November, 1,800 families returned to the Kamango area from Uganda. Nonetheless, ADF has attacked and killed some returnees, claiming they collaborated with FARDC.

According to one eyewitness, local authorities, Congolese officials and United Nations sources, the primary objective of this attack was to loot Kamango's hospital and pharmacies (see para. 143). At around 5.30 a.m., a force of 60 men entered the town, shooting in the air and crying out "Allahu Akbar". A man speaking into a megaphone summoned Muslims to the mosque to pray; however, by all accounts, the population tried to flee as ADF attacked. A reserve force of 40 men entered the town after it had been secured.

83. ADF captured and tortured several people to obtain information about the whereabouts of government agents and soldiers. One detainee told the Group that the main interrogator spoke Arabic, and that a Ugandan man translated the questions into Swahili. After several hours of interrogation, ADF released the captives, with messages, including to tell FARDC to allow ADF safe passage to Uganda and to tell the local population to leave the area. ADF also arrested the local Chief of Bawisa Groupement, Baliebula Kwambuka Nelson, and his family. After releasing the Chief's family, ADF beheaded Nelson. In total, ADF killed 12 people during this attack.

84. FARDC forces liberated Kamango the evening of 12 July. During a short firefight, FARDC suffered 4 dead and 12 wounded, who were evacuated the following day by MONUSCO. FARDC forces killed two ADF elements and captured another two. After FARDC took control of Kamango, soldiers recovered some documents from a place where ADF had camped. One document (undated) contains instructions for conducting an ambush (see annex 35) and is noteworthy for its disciplined and professional directives. Another document (dated 23 June 2012) is a list of transfer orders (see annex 36) and is important because it includes the names of several ADF commanders and because it demonstrates how ADF transfers personnel between bases. The third document is an examination for translating Luganda into Arabic (see annex 37); it is interesting because of the nature of the questions it contains.

85. The attack on Kamango is significant for three reasons. First, it was the largest of several recent ADF attacks on medical facilities and supplies. ADF is clearly stockpiling drugs and medical equipment. Sources from the Government of the Democratic Republic of the Congo and the United Nations believe these seizures are evidence that ADF is either preparing to be attacked by the Force Intervention Brigade or preparing to undertake offensive military action. Second, the Kamango attack effectively depopulated a large area around Kamango, close to the Ugandan border. This has given ADF more room to operate freely, to establish new bases in abandoned towns and to steal food from vacated villages and farm plots.

86. Lastly, the killing of the local Chief exposes the ties between local authorities and ADF. Congolese and United Nations sources told the Group that ADF has agreements with local chiefs in and around their area of control, which allow ADF to move freely and engage in business. In the case of Kamango, these sources told the Group that ADF had told Chief Nelson to allow them to move into the Kamango area, but the Chief informed FARDC about the directive. ADF killed Chief Nelson, to send a message to those who would refuse to abide by its terms.

87. ADF has also assassinated other people with whom it has had disagreements. Congolese officials and United Nations sources told the Group that in February 2013, ADF killed a FARDC intelligence officer named Abdou, who had arrested five ADF collaborators in Butembo. Ugandan officials told the Group that in July and

August 2012, ADF killed three sheikhs in Bugiri district, Uganda, after a falling out with ADF leader Jamil Mukulu.

Sources of support

88. ADF finances its activities through a network of businesses and connections in North Kivu. The Group has previously documented some of these networks (see S/2013/433, para. 96, and S/2011/738, paras. 57-65). During 2013, former ADF combatants, Congolese officials, United Nations sources and Ugandan officials told the Group that ADF maintains businesses and support networks in the towns of Butembo, Beni and Oicha. These networks consist of businesses that give money and goods to ADF, including taxis (both motorcycles and cars), produce funding for ADF and are involved in small-scale gold mining and in the sale of rights for timber harvesting. Based on information the Group obtained during its investigation of the Kamango attack, the Group thinks that some local authorities in Beni territory also collaborate with ADF (through coercion or voluntarily) to facilitate business transactions and the transportation of supplies to ADF bases.

Forces démocratiques de libération du Rwanda

89. During 2013, several events further weakened FDLR, notably in South Kivu. Early in February, the FDLR deputy commander, sanctioned individual "Gen." Stanislas Nzeyimana (alias Izabayo Bigaruka), disappeared in the United Republic of Tanzania. In September, FARDC arrested "Lt. Col." Ferdinand Nsengiyumva (alias Bemba Bahizi), who was in charge of operations in South Kivu. In late November, the South Kivu sector commander, "Col." Hamada Habimana, deserted to join his family in Kenya. Also in late November, the Forces nationales de libération (FNL) killed their former ally Mazuru (see S/2009/603, para. 70), who was the FDLR liaison officer in the Ruzizi plains (see S/2012/843, para. 113). In December 2012, the Security Council placed FDLR on a sanctions list that already included the names of eight senior FDLR leaders, including military commander and FDLR vice-president "Maj. Gen." Sylvestre Mudacumura (see annex 38).

90. Based on interviews with FDLR ex-combatants and United Nations sources, the Group estimates that there are approximately 1,500 FDLR combatants in both provinces (see S/2013/433, para. 97); of these, approximately 1,000 are in North Kivu. The Government of Rwanda told the Group that FDLR has between 4,000 and 4,200 combatants.

91. As a consequence of the arrests in 2009 of Ignace Murwanashyaka and Straton Musoni by German authorities (see S/2010/596, para. 75), the political branch of FDLR is now based in North Kivu. In 2013, the president of FDLR is "Gen." Gaston Rumuli (see S/2011/738, para. 74). "Col." Laurent Ndagijimana (alias Wilson Irategeka), who replaced Callixte Mbarushimana (see S/2011/738, paras. 28 and 74), is the Executive Secretary based in the Democratic Republic of the Congo.

92. During 2013, former FDLR combatants consistently told the Group that morale was very low among the rank and file, that living conditions were difficult and that most of the weapons and uniforms were old. For example, one Congolese ex-combatant previously based near Ngungu described the divide between Rwandan commanders, who own fields, and the rest of the troops, who are told to loot to survive. These combatants and United Nations sources told the Group that FDLR has difficulty recruiting. While the rank and file are generally young and willing to

disarm, the senior FDLR leadership is older and refuses to surrender. In order to motivate troops, in 2013 the FDLR leadership decided to promote all soldiers below and at the grade of colonel.

93. Until the defeat of M23, the FDLR leadership had continued to promote the armed struggle against the Government of Rwanda. The Group previously reported on FDLR attacks in Rwanda (see S/2013/433, paras. 101-105). However, on 12 November (seven days after FARDC defeated M23), FDLR expressed a desire to negotiate, a sign of its weakness and vulnerability (see annex 39). In its communication, signed by Irategeka, FDLR asked the Government of the Democratic Republic of the Congo and MONUSCO to refrain from taking military action. The FDLR request to enter into negotiations with the Government of Rwanda has repeatedly been denied.

94. During 2013, the Group interviewed 35 former FDLR combatants in the Democratic Republic of the Congo and in Rwanda, at the Mutobo demobilization centre. Between 1 January and 8 December, MONUSCO demobilized 531 FDLR combatants, of whom 345 were Rwandan nationals, 184 were Congolese and 2 were Ugandan. During the same period, MONUSCO repatriated 426 FDLR dependants, of whom 422 were Rwandan and 4 Congolese.

95. From interviews with former FDLR combatants, the Group confirmed that during 2013 FDLR recruited combatants, including children (see para. 157). Former FDLR combatants told the Group that FDLR recruits in Uganda and among Rwandan refugees in the Democratic Republic of the Congo, and that it enlists young boys.

96. Several ex-combatants told the Group that FDLR sustains itself in North Kivu primarily through looting, gold mining and illegal taxation, as well as agriculture and charcoal production. These sources also stated that gold mined by FDLR around Kasugho is traded in Butembo and then in Kampala, and that FDLR collaborates with Mai Mai leaders, including "Maj. Gen." Kakule Sikula Lafontaine and "Brig. Gen." Hilaire Kombi, in the exploitation of and trade in gold (see S/2013/433, para. 71). In South Kivu, former FDLR combatants told the Group that FDLR mines gold at Birara and collects taxes from mines at Miki and Kitopo. These former combatants also told the Group that FDLR regularly collects money from Rwandan refugees in South Kivu.

Collaboration with FARDC and armed groups

97. During 2013, the Group documented cases of local-level collaboration between FDLR and FARDC. For most of the year, some FDLR units cohabited and/or collaborated with FARDC troops. In its midterm report, the Group documented examples of such collaboration, including provision of ammunition (see S/2013/433, paras. 106-109). In September and October, three ex-combatants told the Group that FDLR buys ammunition from FARDC soldiers for between 50 and 100 Congolese francs ($0.05-$0.11) per bullet. The Government of Rwanda informed the Group of examples of the provision of ammunition to FDLR in late 2012 and early in 2013. The Government of Rwanda also told the Group that FDLR troops are serving in FARDC; however, the Group was not able to confirm this allegation, which the FARDC denied.

98. During September and October, MONUSCO military sources reported that FDLR clashed with M23 on several occasions at Rubare and Rugari. The Group received information that FDLR coordinated attacks and ambushes against M23 with local FARDC commanders, notably in August. By November, however, when FARDC defeated M23, evidence of FARDC-FDLR collaboration diminished. In November, FARDC ended its passivity and attacked FDLR rebels at several locations in South Kivu.

99. FDLR has also worked with other armed groups. Former FDLR combatants told the Group that FDLR has had alliances with APCLS and Nyatura. During September and October, United Nations sources confirmed that FDLR fought alongside APCLS against NDC in Walikale territory (see para. 44). On 20 October, FDLR attacked Pinga town in Walikale territory, together with APCLS combatants. Their troops initially pushed NDC combatants out of parts of Pinga; however, NDC troops counter-attacked and took back the town. In September, "Col." Aigle Rouge, who leads the Mai Mai Ngulima group in Misingi-Misinga, Masisi territory, told the Group that he collaborates with FDLR in his area.

100. In South Kivu, FDLR collaborated with FNL but then distanced itself from that group towards the end of the year. In retaliation, FNL killed FDLR liaison officer Mazuru in the Ruzizi plains. This assassination is likely to further strain the relations of the two groups (see para. 89).

Deployment

101. FDLR is organized into the Apollo sector in North Kivu and the Jakarta sector in South Kivu. According to FDLR ex-combatants, there is no troop movement between the two provinces — only communication by satellite telephone. In North Kivu, FDLR is primarily deployed in Walikale, Lubero and Rutshuru territories. The command headquarters is in Nganga, Walikale territory. Sanctioned "Gen." Leopold Mujyambere (alias Achille) has been the Chief of Staff and Acting Deputy Commander since Bigaruka's disappearance. Sanctioned "Col." Pacifique Ntawunguka (alias Omega) leads the Apollo sector, in the Bambu area. Within the Apollo sector, "Col." Serge Gashirabake (also known as Bernard Rishirabake) (see S/2009/603, para. 319) commands the Canaan subsector, which is based at Tongo. "Lt. Col." Kubwayo Gustave (alias Sirkoff) commands the Sinai subsector in Virunga National Park, near Tongo. "Col." Lucien Nzabamwita (alias André Kalume) leads the Comet Reserve subsector, in the Malemo hills, near the FDLR training school. FDLR also maintains a deployment force at Ishasha, on the border with Uganda.

102. FDLR has maintained specially trained commando companies and platoons that are composed of experienced soldiers and are deployed in areas of strategic importance in North and South Kivu. In addition, it keeps posts to protect Rwandan Hutu refugee populations. Near the Ishasha border with Uganda, "Maj." Logo Ninja carries out intelligence gathering activities and facilitates the crossing of FDLR recruits from Uganda into the Democratic Republic of the Congo.

103. In South Kivu, FDLR is primarily deployed in Mwenga, Uvira and Fizi territories. FDLR has about 500 combatants in South Kivu. The South Kivu headquarters is located in Kadashomwa, Mwenga territory. Following the desertion in late November 2013 of "Col." Habimana Hamada, his second in command, "Col." Mugabonake Boniface (alias Hagenimana Josue) became the new commander. "Col." Fred Irakiza commands the first subsector, located in Mulenge,

Uvira territory. "Col." Munyaneza Job commands the second subsector, based in Mugutu, Mwenga territory.

104. In late 2012 and early in 2013, the headquarters battalion, the second subsector and several thousands of refugees moved unhindered southward from Kabare territory to join "Col." Hamada in Kadashomwa, before he deserted. In July, FDLR units in South Kivu moved into areas in Mwenga territory that had been vacated by Raia Mutomboki factions. According to a former FDLR commander and United Nations sources, FARDC refrained from attacking FDLR, who operated openly in some towns. FDLR combatants looted villages, abducted villagers, robbed passengers of motor vehicles and displaced miners from the Miza gold mine.

105. In November, as FARDC was on the verge of defeating M23, FDLR units in South Kivu began to converge in the Itombwe forest area, on the frontier of Mwenga and Fizi territories. MONUSCO military officials believe this is a defensive posture, because the area is heavily forested and difficult to access. Also in November, FARDC units attacked FDLR units on several occasions, killing and capturing several FDLR soldiers.

106. In Katanga, some FDLR combatants who came from South Kivu operate north of Kalemie, just south of the border with South Kivu. Between July and September, these troops looted local populations and operated at several gold mines.

107. In November, a senior United Nations military official told the Group that FDLR elements in North Kivu and South Kivu would be harder to target than M23 because they were dispersed and scattered into the forest when attacked. In addition, FDLR combatants live with their women and children, which means that military operations could cause collateral damage. The source identified about 22 small FDLR locations (11 in South Kivu and 11 in North Kivu), where combatants often stay with their families.

Diaspora

108. FDLR combatants told the Group that the movement continues to receive support from the diaspora, notably funds from Europe. The Group also reviewed telephone logs that showed that Faustin Murego, a Belgian national of Rwandan origin, had been in contact with senior FDLR officers (see annex 40). Murego has previously sent money to Bigaruka and his wife (see S/2009/603, para. 102, and S/2012/843, para. 101). According to an analysis of satellite telephone records obtained by the Group, Bigaruka telephoned Murego on 15 October 2012. On 25 November 2012 and again on 15 February 2013, "Col." Pacifique Ntawunguka, the Apollo sector commander, called Murego and had lengthy conversations with him.

Disappearance of Stanislas Nzeyimana (alias Izabayo Bigaruka)

109. While FDLR officers and intelligence sources from the region told the Group that Rwandan officials were detaining Bigaruka (see S/2013/433, para. 99), other FDLR sources alleged that Tanzanian security services had placed Bigaruka under house arrest in Dar es Salaam, United Republic of Tanzania. The Group attempted to confirm this allegation with the Tanzanian authorities, who told the Group they were not aware of Bigaruka's travel and s ay in Dar es Salaam and that they had no information about his disappearance or whereabouts.

110. The Group did, however, document Bigaruka's travel to the United Republic of Tanzania, which was undertaken in violation of the travel ban. Three individuals, including Joseph Nzabonimpa (see annex 40 and S/2012/843, para. 101), told the Group that they had travelled to Dar es Salaam, together with Faustin Murego, in January 2013 and met Bigaruka to discuss the issues of demobilization and disarmament and of child soldiers (see annex 41). At the beginning of his stay in Dar es Salaam, Bigaruka stayed in the house of Tanzanian reverend Christopher Mtikila, a fact that the reverend acknowledged to the Group (see annex 42). Early in February, after these meetings, Bigaruka disappeared. The Group continues to investigate the matter.

Ralliement pour l'unité et la démocratie

111. An FDLR splinter group, the Ralliement pour l'unité et la démocratie (RUD) is based at Mashuta in North Kivu. The military commander of RUD is "Gen." Jean-Damascene Ndibabaje (alias Musare) (see annex 43). MONUSCO sources involved in disarmament, demobilization, reintegration, repatriation and resettlement efforts told the Group that among the military leaders are: second-in-command and operations chief "Col." Jean-Michel Africa, intelligence officer "Capt." Ryango and "Maj." Bitanganya. MONUSCO military sources and Rwandan officials estimate the strength of RUD to be of around 300 combatants. RUD has a battalion deployed at Bikuyu in Lubero territory that is commanded by "Maj." Kagoma and a second battalion in Mukwamimbi, Walikale territory.

112. The Group interviewed seven RUD ex-combatants who confirmed that during 2013 RUD recruited adults and children in Uganda through false promises of employment. One 16-year-old boy told the Group that early in 2013 he was tricked by a man who promised him a job, who took him from his hometown in Uganda to the Democratic Republic of the Congo and forced him and several other children to join RUD. An adult told the Group he was recruited in April on the promise of becoming a gold miner, only to be pressed into the service of RUD. A third adult, who surrendered to MONUSCO in September, told the Group he had been recruited in 2011 in Uganda: he was told he would tend cows in the Democratic Republic of the Congo but was then forced to join RUD instead.

113. According to ex-combatants, RUD sustains itself through looting, taxation and gold-mining. During the second half of 2013, RUD looted crops, robbed and kidnapped people and conducted a joint operation with Mai Mai PARECO militants in Lubero territory.

114. According to United Nations sources, in mid-July M23 killed Soki Sangano Musohoke, a deserter from RUD who was in charge of a small group of armed men in Rutshuru territory (see S/2011/738, para. 135). Following Soki's death, "Col." Kasongo took control of his group and reportedly changed its name to FPP.[6]

Lord's Resistance Army

115. The Lord's Resistance Army (LRA) remains small in number and its violent attacks declined during 2013 in the Democratic Republic of the Congo (see annex 44). Nonetheless, it still inspires fear and the Office for the Coordination of Humanitarian Assistance has identified the movement as the cause of more than

[6] The Group could not determine what the abbreviation FPP stood for.

15,000 displacements during 2012 and 2013 in Haut-Uélé and Bas-Uélé districts in Orientale Province, adding to the 240,000 displacements that had already occurred.[7] Approximately 200 LRA elements — including leader Joseph Kony — operate in the Central African Republic and South Sudan. According to United Nations sources and the non-governmental organization Invisible Children, links between LRA elements in the Central African Republic and in the Democratic Republic of the Congo were severely affected by the killing, in January 2013, of Lt. Col. Vincent Okumu (alias Binany) by Ugandan troops.

116. United Nations sources told the Group that there are currently some 60-90 LRA elements in the Democratic Republic of the Congo, including women and children, a number that has remained roughly unchanged since early 2011.[8] Of the 60-90 LRA elements in the Democratic Republic of the Congo, 40-50 are considered to be armed fighters. There are three LRA groups: one is under the command of "Maj." Obol (40-48 people, formerly known as the Odano group), another is under the command of "Lt. Col." Ladere (10-20 people) and yet another is under the command of "Capt." Mandela (10-20 people).

117. In October, the Government of Uganda told the Group that "LRA militarily is reduced to a marauding outfit". This description is borne out by information suggesting that the main crimes committed by LRA are pillaging and abducting people to carry looted goods (see annex 45). LRA has also been responsible for the unlawful killing and poaching of elephants (see para. 231). United Nations sources and local leaders in Dungu told the Group that most of the people abducted by LRA are released within hours or days of abduction. This was the case with 33 people abducted between 1 and 3 October northwest of Ango: all had been released as at 8 October.

118. In February 2013, the Government of the Democratic Republic of the Congo assigned 500 FARDC soldiers to the Regional Task Force, which consists of approximately 3,350 soldiers, of which 350 are from the Central African Republic, 500 from South Sudan and 2,000 from Uganda. The FARDC soldiers are based in Dungu and are solely devoted to hunting LRA in the Democratic Republic of the Congo. United Nations sources and a local leader in Dungu told the Group that United States special operations troops from the United States Africa Command (AFRICOM) have been training these FARDC soldiers and helping them to plan and execute operations. The Group notes that the Government of the United States of America did not inform the Committee about such training.

119. On 27 July, the top LRA commander in the Democratic Republic of the Congo was killed in Garamba National Park. Public accounts claimed that a group of hunters from South Sudan randomly stumbled upon Maj. Thomas "Okello" Odano, killed him in a shootout, "rescued" two women and two children and took them back to South Sudan. Four sources told the Group that Odano was actually killed by a group of armed Arrow Boys from the Nzara area of South Sudan. The Arrow Boys is a local self-defence militia that has collaborated with the Regional Task Force and AFRICOM in anti-LRA operations. In this case, elements of the militia crossed the

[7] In November, the main office of the Office for the Coordination of Humanitarian Assistance in Orientale Province told the Group that, as at the end of September, 256,000 people had been displaced by LRA; other sources, however, claim that 320,000 have been displaced by LRA.

[8] In accordance with a March 2011 United Nations assessment in the Group's possession, some 73 LRA elements were in the Democratic Republic of the Congo.

border into the Democratic Republic of the Congo, hunted down Odano and returned to South Sudan with the four people they captured during the operation.

120. The Group wrote to the Government of the United States about its support of the Arrow Boys and the death of Odano. In its response, the Government acknowledged collaborating with the Arrow Boys and other groups in South Sudan to address the LRA threat, but denied assisting the Arrow Boys with any specific pursuit activities inside the Democratic Republic of the Congo.

121. On 19 September 2013, Regional Task Force elements and AFRICOM advisers conducted operations in two areas of the Democratic Republic of the Congo. In September, United States advisers accompanied Regional Task Force troops on two separate missions in Garamba National Park but neither mission encountered LRA. During one mission, a group of South Sudanese-Regional Task Force commandos and United States advisers crossed from the Sudan into the Democratic Republic of the Congo. As part of the second operation, a team of Belgian tracking dogs and their handlers (funded by the Bridgeway Foundation) were flown to Garamba from outside the Democratic Republic of the Congo. The Group notes that the Government of the United States did not inform the Committee about this provision of support to anti-LRA operations.

122. In a separate operation, in September, FARDC-Regional Task Force troops, with United States advisers, dislodged suspected LRA elements from a settlement north of Ango town. The operations were due to end on 14 November but were extended owing to a small surge in LRA attacks in mid-November.

123. In addition to this campaign, there has been a massive effort to encourage LRA to surrender. The non-governmental organization Invisible Children has printed 1.2 million fliers since 2011 (see annex 46). During 2013, it dropped approximately 300,000 fliers in the Democratic Republic of the Congo and the Central African Republic from chartered aircraft and provided approximately 100,000 fliers to MONUSCO, which has dropped the fliers over areas suspected of being under the control of LRA. MONUSCO and the State Department of the United States have also printed their own fliers. In addition, messages encouraging the 60-90 LRA members to surrender are regularly broadcast over the radio from mobile MONUSCO bases and helicopters fitted with loudspeakers. Despite these efforts, between 1 January and 8 December 2013, MONUSCO only repatriated 1 LRA combatant and 6 dependants.

Forces nationales de libération

124. According to MONUSCO and Burundian intelligence, in spite of nearly 70 combatants captured or surrendered to the FARDC in 2013, FNL currently has 300 combatants, following recruitment in Burundi. "Gen." Aloys Nzamapema remains the military commander-in-chief. Since mid-August, FARDC, as part of a joint operation with MONUSCO entitled "Kamilisha Usalama", conducted attacks against FNL. FARDC displaced the FNL headquarters from Mushule to Kiriama, north of Sange in South Kivu, which is where FDLR was also located until recently.

125. In August 2013, former FNL president Agathon Rwasa returned to the Burundian political scene and attempted to regain the leadership of his party. Rwasa had fled to South Kivu in July 2010, before the Burundian presidential elections and after a pro-government wing emerged in FNL, which was led by Emmanuel Miburo.

In January 2013, FNL armed forces based in the Democratic Republic of the Congo dismissed Rwasa as president and replaced him with Isidore Nibisi, who lives in France (see S/2013/433, para. 110). In an interview with the Group, however, Rwasa denied that he had ever been in contact with Nzamapema after the latter had left Burundi for the Democratic Republic of the Congo. He also condemned the looting activities of FNL in the Democratic Republic of the Congo.

126. FDLR and FNL ex-combatants told the Group that collaboration between FNL and FDLR continued during 2013 in Fizi territory. The Group is aware of two meetings between FDLR and FNL, in February and April 2013, in Kadashomwa, at which Nzamapema was present. However, when FNL moved to Kiriama, FDLR moved its camp in order to avoid being attacked by FARDC (see para. 89).

127. The Front du peuple murundi weakened significantly during 2013 (see annex 47).

IV. Stockpile management

128. FARDC continues to face challenges in securing its arms and ammunition. After the occupation of Goma by M23 and the looting of FARDC arms stocks (see S/2013/433, box under para. 17), FARDC started using makeshift armouries, which facilitates the diversion of weapons.

129. The Group visited the ports of Matadi and Boma on the Atlantic coast, where Congolese authorities receive official arms and ammunition imports, with a view to assessing the procedures used in inspecting incoming cargo. In both ports, inspections are carried out manually, which renders it difficult to detect possible violations of the arms embargo. The Group notes that the Government of the Democratic Republic of the Congo is not using a scanning system that is present at the Matadi port (see annex 48) despite the fact that using the system would improve the tracking of cargo and facilitate the detection of illegal shipments, including arms.

130. In both ports, incoming cargo belonging to the Ministry of Defence is never subjected to screening. An FARDC logistics office based at the ports handles military cargo confidentially.

131. The most common weapon used by armed groups in the Democratic Republic of the Congo is the AK-47 assault rifle. Small calibre (7.62 mm) ammunition for AK-47s is widely available in the eastern part of the country. During 2013, the Group documented that 7.62 mm ammunition manufactured between 1951 and 2008 and originating in at least 14 countries was being held by armed groups (see annex 49). The Group concludes that some of this ammunition was diverted from FARDC stockpiles (see S/2009/603, para. 23) and stocks brought into the Democratic Republic of the Congo from neighbouring countries and international arms dealers (see para. 31 and S/2005/30, para. 66).

132. FARDC remains the main source of ammunition for armed groups in eastern Democratic Republic of the Congo. In some cases, armed groups obtain arms and ammunition after attacking FARDC; in other cases, however, FARDC soldiers or their intermediaries sell weapons and ammunition. Four APCLS ex-combatants from Masisi, three FDLR ex-combatants in Tongo and three Raia Mutomboki ex-combatants from Shabunda told the Group that they had purchased AK-47 ammunition from FARDC soldiers or their intermediaries.

133. In addition, the Group documented the diversion of other arms and ammunition in eastern Democratic Republic of the Congo, as cited in paragraph 97 above. For example, M23 stole an FARDC T-55 tank during its occupation of Goma (see S/2013/433, para. 17, and annex 5).

V. Violations of international humanitarian and human rights law

Massacres/violence

Attacks by Kata Katanga

134. On 28 and 29 October, the Group investigated attacks by Kata Katanga during visits to 11 villages in Mitwaba and Pweto territories, Katanga Province (see annex 50). The Group assessed the damage caused in the village of Kabola (Pweto territory), which was attacked and burned on the morning of 23 October (see annex 51). According to eyewitness accounts, several dozen attackers — some armed with AK-47s but most armed with spears, machetes or bows and arrows — entered the village after firing a few shots in the air and proceeded to set houses on fire. The Group counted at least 210 burned homes and businesses and heard from displaced residents that the attackers had targeted the town because FARDC had previously been stationed there; the Group confirmed the presence of the former FARDC installation (see annex 52). The attackers also burned Kabola Primary School. Based on interviews with displaced residents, the Group estimates that approximately 1,000 people were forcibly displaced from Kabola as a result of this attack.

135. The Group also visited Katendeji village (Pweto territory), which was attacked and burned on the morning of 24 October (see annex 53). The Group counted at least 203 houses and businesses burned during this attack. On the basis of interviews with displaced residents, the Group estimates that at least 1,500 people were forcibly displaced as a result of this attack.

136. The Group talked to local leaders and inhabitants of Mupanga and Mukumbo villages (Mitwaba territory) (see annex 54), the populations of which fled on 24 October following the attack on Kabola. The Group confirmed that the populations of Kilolo, Kamifio and Kabale also left following Kata Katanga attacks. The Group documented that additional villages in the Mitwaba-Pweto boundary area were affected by Kata Katanga during October 2013, including the burned villages of Kisele, Kifinga, Mubidi, Manda and Kamazanga.

137. In contrast to the Group's observations, FARDC Lt. Col. Lwamba Butalele, commander of the 43rd Rapid Intervention Battalion based in Mitwaba town, told the Group that the security situation in Mitwaba territory was calm. The Group noted a large presence of FARDC in Mitwaba town, but none in the affected areas it visited in Mitwaba territory.

Attacks in Masisi

138. The Group documented attacks on several villages in southern Masisi territory by a Raia Mutomboki faction that is based in Remeka and is under the command of Batembo Joseph Misati and "Gen." Birikoriko. From the night between 13 and 14 October until 18 October, these men led forces that attacked and burned several,

localities including Mushebere, Ntambike, Mahiga, Bumba, Miruta, Nguliro, Lubuu and Mutuza, killing at least 17 people and injuring many others. On the morning of 25 October, the same combatants attacked villages surrounding Ngungu. The Group observed thousands of people fleeing from Ngungu and saw three FARDC attack helicopters circling the area.

Sexual violence

139. The Group received information indicating that members of NDC, Nyatura, FRPI, FDLR, Mai Mai Morgan and M23 carried out rapes during 2013. MONUSCO documented the rape of 15 women by NDC in September and October (see para. 42) and the rape of 6 women by Mai Mai Morgan in October (see para. 65). United Nations sources told the Group about many cases of rape and forced marriage by Raia Mutomboki forces in Shabunda, a territory where there is little State authority.

140. In addition, many girls and women are kidnapped and forced to become sex slaves. The Group previously documented sexual slavery by Mai Mai Morgan (see S/2013/433, paras. 133-135) and received reports from United Nations sources about FDLR forcing women to become "wives" for militia members. The MONUSCO Child Protection Section documented the abduction in February and March of underage girls for sexual purposes by seven deserters from the FARDC 810th regiment, in Bweremana.

141. Government security forces, particularly FARDC, remain a significant source of sexual violence, notably against minors. During 2013, there was no reported case of mass rape committed by FARDC but soldiers were responsible for many isolated attacks on women and girls, particularly during operations. In Katanga, local officials and residents told the Group that FARDC soldiers had raped dozens of women and girls during operations against Kata Katanga in Mitwaba territory; the Group has archived a list of these women and girls. FARDC Lt. Col. Lwamba Butalele is Commander of the 43rd Rapid Intervention Battalion, based in Mitwaba town. In Ituri, local leaders and United Nations sources told the Group that three rapes had been committed by FARDC troops in southern Irumu during operations against FRPI under the command of FARDC Gen. Fall Sikabwe.

142. In the case of rapes committed by FARDC, several offenders have been arrested and sentenced in the military justice system. However, the Group notes that some of those accused or sentenced in 2013 have escaped from custody.

143. On 20 November, exactly a year after the mass rape at Minova, South Kivu, that was committed after the M23 takeover of Goma (see S/2013/433, para. 132), a military court in Goma opened proceedings against 40 FARDC soldiers, including four lieutenant colonels, for murder, rape and other war crimes.

Attacks on medical facilities and staff

144. Between June and September 2013, ADF targeted several medical facilities and shipments, as well as pharmacies, in a series of attacks along the Mbau-Kamango axis. United Nations sources reported that on the night between 16 and 17 June ADF broke into the health centre at Kahongo village (in the Kamango health zone) and stole all the medicines, as well as medical equipment and money. On 20 June, ADF stopped a truck east of Mbau that was on its way from Beni to deliver medicines to Kamango. The attackers looted drugs valued at more than $13,000, including

therapeutic milk for malnourished children, and abducted the passengers and burned the truck. On 14 July, ADF attacked the town of Kikingi, south of Kamango, looted its pharmacies and shops, and ordered the local population to leave. On 28 September, five combatants kidnapped two male nurses from the health centre at Maleki, near Oicha. One of the nurses escaped the following night and said that the kidnappers were ADF members, but the fate of the other nurse is unknown.

145. The most significant ADF attack against medical facilities and staff took place on 11 July at Kamango (see para. 82). Over the course of two days, ADF systematically looted the hospital and pharmacies in Kamango. Observations by Group members confirmed statements by an eyewitness and local authorities that ADF emptied the hospital's pharmacy and piled the drugs outside one of the hospital's buildings; medical equipment and other supplies were also piled at this spot (see annex 34). ADF forces also looted two pharmacies in Kamango town, seized two vehicles, loaded them with drugs and medical supplies, and drove west towards Mbau. One car had belonged to the chief and the other car belonged to MSF, which had a small team in town.

146. On 10 July, an MSF team arrived in Kamango to conduct an assessment of medical needs. The team consisted of two nurses, a logistician and a driver; three were Congolese and one was Malagasy. At the time of writing the present report, the Group had no information about the whereabouts of the MSF staff. Sources from the United Nations and the Governments of the Democratic Republic of the Congo and Uganda believe the humanitarian workers are still alive because ADF would seek to use their skills, particularly those of the nurses.

Attacks on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

147. The Group documented numerous attacks on MONUSCO and humanitarian workers during the course of its mandate. Those attacks, which took place during both combat and non-combat situations, have not only caused deaths and injuries: they have impeded the work of the United Nations and humanitarian actors.

148. The Group notes with concern that FARDC officer Willy Bonane Habarugira, whom the Group identified as "participating in and organizing the looting of United Nations and humanitarian facilities and homes" in November 2012 at Bunia (see S/2013/433, annexes 65 and 66), was promoted in July 2013 from the rank of colonel to the rank of brigadier general. Gen. Bonane has never been held accountable for his actions in Bunia.

149. In addition to the attacks that the Group documented in its midterm report (see S/2013/433, paras. 136-139), several serious attacks took place during the second half of 2013. Three of those attacks are summarized in the present report and are described, together with yet other attacks, in annex 55.

150. On 14 July, ADF attacked a Nepalese MONUSCO patrol on the Mbau-Kamango road (see annex 33). During the retreat and rescue of the peacekeepers, the Nepalese troops were forced to abandon their damaged vehicles (an armoured personnel carrier and a pick-up truck), which were then burned by ADF. Three peacekeepers were injured, two of whom by bullet wounds. The following day, 15 July, ADF shot and hit two MONUSCO attack helicopters that had deployed from Goma. Both helicopters were slightly damaged; no peacekeepers were injured.

151. On several occasions in August, M23 attacked the MONUSCO base at Munigi, north of Goma. On 22 and 23 August, M23 engaged the United Nations base with machine guns and self-propelled guns, damaging one MONUSCO ambulance. On 24 and 28 August, M23 shot mortar rounds into the base, injuring at least six peacekeepers. On 28 August, in Kibati, M23 combatants targeted a MONUSCO armoured personnel carrier with a self-propelled gun, killing two Tanzanian peacekeepers and injuring one. On 28 October, M23 killed another Tanzanian peacekeeper during an ambush in Kiwanja.

152. During July and August, local people attacked MONUSCO staff and vehicles on the streets of Goma (see annex 56). Most of the attacks took place on 2 and 24 August and were part of broader demonstrations against the lack of progress in the fight against M23. Twenty-one cars were damaged in 23 incidents and at least two United Nations staff suffered injuries from broken glass and thrown rocks.

Summary executions by the Mouvement du 23 mars

153. The Group visited the Rumangabo detention centre immediately after M23 combatants evacuated it on 28 October (see annex 57) and documented cases of summary executions of prisoners and recruits carried out by M23 officials. The centre housed approximately 250 mainly civilian prisoners.

154. Ex-prisoners described to the Group their inhuman life conditions and claimed that many prisoners died of thirst and starvation. Furthermore, they detailed how prisoners were occasionally removed during the night and disappeared. Several eyewitnesses told the Group how M23 soldiers stabbed prisoners to death in the room at the entrance of the prison building. Other eyewitnesses showed to the Group where they were forced to bury dead bodies. According to corroborating testimonies from several witnesses, the two most recent nightly executions happened on 5 September (5-8 cases) and 12 October (10-13 cases). Executed detainees included two Congolese Red Cross workers arrested by M23 on 6 July in Kanyaruchinya and imprisoned in Rumangabo before being killed in August. The chief of intelligence, "Col." Antoine Manzi, and his deputy, "Lt. Col." Willy Mihigo Secoper, were in charge of the prison at that time and reportedly gave orders to execute prisoners. In Rumangabo, the Group also documented the summary execution of at least two individuals during the few hours prior to the FARDC takeover of the camp (see annex 58).

155. The Group visited Kiwanja and documented lootings and three summary executions by M23 combatants when they fled on 26 and 27 October 2013. Moreover, M23 troops had ransacked administration offices and many government buildings.

156. The Group interviewed 12 M23 ex-combatants, including four children, who stated that during their stay in Rumangabo military camp those who were caught attempting to escape were imprisoned or were publicly executed to discourage others from attempting to escape. Seven M23 ex-combatants told the Group that they had witnessed the summary execution of 13 recruits.

Child soldiers

157. During 2013, the Group documented that children have served a variety of functions in armed groups, including as combatants, porters, escorts, cooks and

spies. Between 1 January and 29 November 2013, the MONUSCO Child Protection Section documented the recruitment of 459 children by armed groups. Of these, the majority were Congolese, 14 were Rwandan and 5 were Ugandan. The children were between 9 and 17 years old; many were under the age of 15. Of the total, 403 were boys and 56 were girls.

158. The armed groups that recruited children were: Mai Mai groups (194, including 43 girls) Nyatura (112, including 4 girls), Mai Mai Kata Katanga (39), FDLR (30), Raia Mutomboki (25), M23 (24), APCLS (13), PARECO (12), FARDC deserters (7 girls), LRA (2 girls) and ADF (1).

159. In addition, during November the Group confirmed other cases of child soldiers in eastern Democratic Republic of the Congo. On 24 November, FARDC screened Mai Mai surrenderers in Bweremana, Masisi territory. Of 1,211 combatants, FARDC identified 27 children between the ages of 15 and 17, of whom 3 were girls. Those children had been members of the following groups: the Forces de défence des intérêts du peuple congolais (FDIPC), under the command of "Col." Baisengue Senzoga (1); FPC, under the command of "Col." Bafakururimi (7); MPA, under the command of "Col." Alexis Bisengo (4); and two Nyatura groups, under the command of "Col." Habarugira and "Col." Muchoma (11). The Office of the United Nations High Commissioner for Refugees reported that it had separated 36 children from the M23 combatants who had surrendered in November in Uganda.

160. Raia Mutomboki, FDLR, Nyatura and APCLS generally recruit children with the tacit acquiescence of parents and/or guardians. The Group, with the assistance of the Child Protection Section, interviewed three minors from FDLR, two from M23 and four from Nyatura, all of whom were between 10 and 16 years old.

VI. Natural resources

Gold

161. Gold produced artisanally in conflict and post-conflict areas of eastern Democratic Republic of the Congo is blended in the country's main trading towns and neighbouring transit countries. Although some efforts are under way to promote due diligence and traceability in the gold sector, gold smuggling remains a major problem owing to the failure of the Government of the Democratic Republic of the Congo and neighbouring States to enforce existing laws and end impunity for illegal traders and smugglers.

Involvement of the Congolese armed forces in gold exploitation

162. In the gold mining area of Misisi, in Fizi territory, FARDC officers and soldiers are involved in the production of and trade in gold, in violation of the Democratic Republic of the Congo mining code. In August 2013, when the Group visited Misisi and the nearby gold processing site of Miba (see annex 59), local authorities and miners told the Group that military officers, including Col. Rugo Heshima and Col. Sammy Matumo (see S/2012/843, para. 185, and S/2009/603, annex 124), own several machines that crush gold-bearing rock. By renting out the machines to miners, these officers can obtain $4,800 per month per machine. The same sources told the Group that soldiers work (in civilian clothes) as diggers at the

Misisi mine or oversee the gold separator. According to mining operators, some soldiers arbitrarily arrest miners and demand gold in exchange for their release.

163. Gold produced in Misisi is traded to Bujumbura (Burundi) through either Bukavu or Uvira and to the United Republic of Tanzania through Kigoma (see para. 195). Among the buyers of gold who come from Misisi and are based in Bukavu are the Mining Congo comptoir, Mizinzi, Buganda Bagalwa and Bashi Jules (see S/2012/843, para. 187) (see also para. 171 and annex 60). Another gold buyer is Etablissement Namukaya (see S/2012/843, para. 183).

164. The Mukungwe gold mine, which is a concession of Banro mining company, has continued to be a source of income for FARDC officers of the 10th military region. The Group has already reported that FARDC became involved in local struggles for control of the Mukungwe mine (see S/2011/738, paras. 528-532) and that FARDC soldiers levied taxes on miners (see S/2013/433, para. 165). In September, FARDC withdrew all soldiers from the Mukungwe site and arrested three soldiers who had continued activities there.

Involvement of armed groups in gold exploitation

165. Until late August (see para. 58), FRPI was deriving revenue from mining gold. Local civil society leaders from Gety and Bunia told the Group that FRPI was directly exploiting gold at Bavi, Soke, Singo and Songolo, in southern Irumu territory. FRPI officers also collected a tax of 3-5 g of gold per week from other mining sites within their area of control. Traders sell this gold in Bunia and Butembo; gold from these towns is then traded in Kampala.

166. In addition to Ntaberi's NDC (see para. 46), another armed group in Walikale is involved in gold exploitation. According to the owner of a floating dredge, a civil society member and an independent researcher, Mai Mai Simba, a Mai Mai group based in Maiko National Park (see S/2011/738, paras. 246-251), is heavily involved in the exploitation of gold on the Osso River, which runs through the park. "Gen." Mando Mazaro, the leader of Mai Mai Simba in Maiko Park, is based at Mbuju, near the Osso River.

167. Until June or July 2013, Mando levied taxes on more than 60 dredges for collecting gold on the Osso River (see annex 61). As documented in 2011 and according to civil society leaders in Walikale and a dredge owner, criminal networks in Biruwe continue to collaborate with Mai-Mai Simba, exchanging minerals for ammunition (see S/2011/738, para. 250). According to a civil society leader in Walikale, a gold trader in Kisangani and a dredge owner, gold from the Osso River is traded in Kisangani.

168. Raia Mutomboki controls most of the gold mines in Shabunda territory, in South Kivu. Local commanders of Raia Mutomboki factions levy taxes on production at mining sites. Two civil society leaders and mining authorities told the Group that buyers of gold from Shabunda include Bukavu-based comptoirs DTA and Mining Congo. According to a list of suppliers seen by the Group, 16 of 38 Mining Congo suppliers buy gold in Shabunda.

169. The Group also received information from mining and cooperative officials, as well as miners, indicating that Yakutumba's wife supervises several crushers in Miba (see para. 161). In March and April, Yakutumba collected taxes for his "war effort" in the Misisi area (see annex 24). In addition, a gold trader, a Yakutumba

ex-combatant and an FARDC officer also stated that Yakutumba controls gold areas in Fizi and that this gold is traded through the United Republic of Tanzania.

Gold trade in the Democratic Republic of the Congo

Official exports

170. The networks engaged in smuggling gold from the Democratic Republic of the Congo through neighbouring countries are now more than 20 years old, and deeply entrenched. As a result, during 2013, artisanal gold production continued to be largely smuggled out of the country through neighbouring countries. According to the United States Geological Survey, artisanal miners in the Democratic Republic of the Congo produce an estimated 10,000 kg of gold per year; however, from January to October 2013, official exports totalled only 180.76 kg (see annex 62).

Unofficial trade

171. The Group estimates that, during 2013, 98 per cent of artisanally produced gold was smuggled out of the Democratic Republic of the Congo (see annexes 63-64). The Group also estimates the value of gold smuggled out of the country during 2013 to be between $383 million and $409 million. On the basis of this estimated value, the Group estimates that the Government lost between $7.7 million and $8.2 million in tax revenue during 2013. The main trading towns in eastern Democratic Republic of the Congo for gold smuggling are Bukavu, Butembo, Bunia, Ariwara and Kisangani.

172. In South Kivu, the main trading town is Bukavu. Gold traded in Bukavu comes from mines in South Kivu and Maniema. The Group has a list of 64 individuals who are illegally trading in gold in Bukavu. Of these traders, the biggest gold traders are Bashi Jules, Buganda Bagalwa and Mange Namuhanda (see S/2012/843, para. 187).

173. In North Kivu, the main trading towns are Butembo and Beni. The gold traded in Butembo and Beni comes from mines in North Kivu, Maniema and Orientale provinces. The Group identified dozens of gold traders operating openly in Butembo (see annex 65), particularly around the central market, but notes that official exports from North Kivu totalled only 2.1 kg between January and September 2013.

174. In Orientale Province, there are three main gold trading centres. The gold traded in Bunia comes from mines in eastern Orientale Province, principally from Irumu, Mambasa and Djugu territories. The largest gold traders are Banga Djelo (see S/2012/843, para. 187), Justin Peke (see S/2012/843, para. 187), Karte (alias Carter), Exodus Deba (see S/2009/603, para. 244), Lombela, Manu Soba and Edmond Kasereka (see S/2009/603, para. 244). Ariwara is a major trading town for gold from mines in Ituri (Aru territory) and Haut-Uélé districts. The gold traded in Kisangani comes from mines throughout Orientale Province, as well as Walikale territory in North Kivu. Although there are legal comptoirs operating in all three locations, gold traders in the Democratic Republic of the Congo told the Group that the vast majority of the gold traded in these towns is smuggled out of the country.

175. The Group notes the lack of action by the Government of the Democratic Republic of the Congo against gold traders operating illegally in the aforementioned trading towns. In each location, gold traders work openly, yet government authorities fail to arrest these traders or compel them to trade legally in gold.

Seizures

176. On 23 October 2013, mine agents near Bukavu stopped and searched a truck on the Bukavu-Kamanyola road that was coming from the Misisi mining area and found 64 hidden parcels containing a total of 15-20 kg of gold. The parcels were labelled with the names of traders in Bukavu, including Buganda Bagalwa and Jules Bashi, but the parcels did not have any official documents. This was the third seizure of gold carried out in October in South Kivu. Mining authorities told the Group that "high-ranking officials" intervened after the first two seizures and released the gold and the traffickers (see annex 66). The gold parcels were impounded but later returned to the owners; no investigation was carried out to determine the origins or destinations of the parcels. The Group obtained a list of the 64 individuals who retrieved the parcels (see annex 60).

Fraud in the gold trade

177. A common explanation for why legally registered gold comptoirs in the Democratic Republic of the Congo cannot compete with illegal traders is that illegal traders can offer a better price (by approximately 2 per cent) owing to the fact that they do not have to pay an export tax. The Group has also determined that illegal gold buyers can afford to offer a better price than legal comptoirs because the lack of regulation of the trade facilitates fraud at the local, intermediate and regional levels.

178. At the mines and in the main trading towns, intentional and unintentional fraud stems from visual estimations of the purity of gold, the use of weights of varying — and misrepresented — mass in handheld scales, the use of electronic scales and density testing machines that are not inspected and validated, and the use of manipulated tables (see annex 67). Such fraud benefits the main gold traders, but the losses accumulate upstream.

179. In Kampala, where gold buyers use density testers and electronic scales, the lack of regulation means there is no certainty about the accuracy of the machines or the scales, thus creating the potential for fraud. Gold traders told the Group that the main buyers in Kampala (see paras. 182-186) often use calculators to determine a price based on a purity value derived from a machine; however, the Group has also determined that at least one major gold buyer in Kampala uses a table to estimate gold purity that contains fraudulent values, thus enabling fraudulent transactions.

180. The "Kampala gold table" deceives gold sellers and benefits gold buyers by offering fraudulent gold purity values for gold density values (see annex 68). For example, if a gold seller has a gold ingot that is 86 per cent pure, the table will declare the sample to be 81.2 per cent pure. If a gold seller has a 10 kg gold ingot that is 86 per cent pure, he or she will lose more than $20,000 (480 g of gold) in the transaction because of the fraudulent values shown on the table (see annex 69).

181. The Group estimates that major gold buyers cheat sellers out of more than 200 kg of gold each year by using the Kampala gold table (see annexes 70-71). Based on the average market price between July and November 2013, Kampala's major gold buyers could be skimming between $5 million and $13 million each year from unsuspecting sellers.

Gold trade in the region

Uganda

182. Since 1997, Kampala has been a major trading location and transit hub for Congolese gold. In 2006, Uganda exported 6,936 kg of gold but, after March 2007, when the Security Council imposed sanctions on the two largest Ugandan gold exporters, the official gold trade of Uganda went into a steep decline from which it has not recovered. The Government of Uganda told the Group that it had exported only 161 kg of gold between 1 January and 28 November 2013 (see annex 71).

183. In effect, the imposition of sanctions prompted the main gold traders of Uganda to continue their operations illegally. They have been able to do this, however, because the Government of Uganda has failed to acknowledge and address the illegal gold trade. Based on the Group's investigations, the three major families exporting gold in 2006 — the Lodhias, Vayas and Bhimjis — were the three major illegal gold exporters in 2013.

184. In 2006, the leading Ugandan gold exporter was Uganda Commercial Impex Limited (see annex 70), a company headed by Jamnadas V. Lodhia (alias Chuni). In March 2007, the Security Council added UCI to its sanctions list; however, Chuni continued to buy Congolese gold after this listing (see S/2009/603, paras. 133 and 243). Gold traders in Bunia and Butembo, as well as civil society leaders in Kampala, told the Group that, in 2013, Chuni continued to illegally buy smuggled gold from the Democratic Republic of the Congo at the office of Aurum Roses (see annex 72), a company owned by Chuni and his two sons, Jitendra J. Lodhia and Kunal J. Lodhia.

185. The second-largest Ugandan exporter in 2006 was Machanga Limited, a company headed by Rajendra Vaya (alias Raju). In March 2007, the Security Council placed Machanga on its sanctions list; however, Raju continued to buy gold after his company was sanctioned (see S/2008/773, paras. 91-92, and S/2009/603, paras. 133 and 243). Gold traders in Bunia and Butembo, as well as civil society leaders in Kampala, told the Group that, in 2013, Raju and his representatives purchased gold at an office on Upper Kololo Terrace in Kampala (see annex 73).

186. The third-largest Ugandan exporter in 2006 was A.P. Bhimji Limited, a company headed by A.P. Bhimji, a citizen of the United Kingdom of Great Britain and Northern Ireland. Gold traders in Bunia and Butembo, as well as civil society leaders in Kampala, told the Group that A.P. Bhimji's son — Sameer Bhimji (alias Sammy) — illegally buys smuggled gold from the Democratic Republic of the Congo and is estimated to be the third largest buyer after Chuni and Raju (see S/2012/843, para. 193). On 18 January 2008, Sammy merged Midas All Minerals Limited with Lata Bhimji. On 18 April 2011, Sammy legally exported 3 kg to Dubai, United Arab Emirates, using his name, not Midas All Minerals, but neither he nor his company recorded any official gold exports in 2012 or 2013. Sammy buys gold at the office of Midas All Minerals and at a location in the Kamwokya area of Kampala.

187. In October, Ugandan government officials told the Group that they had no information indicating that the Kampala-based traders named in previous Group reports — Chuni, Raju and Sammy — were currently engaged in gold trading. The same officials told the Group that they had not seized any smuggled gold during 2013 and had not arrested anyone for smuggling gold from the Democratic Republic

of the Congo. The officials told the Group that they were carrying out a number of measures to combat smuggling, including formalizing artisanal mining and working with the International Conference on the Great Lakes Region (ICGLR).

188. Based on the level of official exports in 2006, the year before the Ugandan gold market went underground, the Group estimates that during 2013, 6,761 kg of gold were smuggled out of Uganda; thus an estimated 97.5 per cent of domestic and foreign gold was smuggled out of Uganda (see annex 71). The Group estimates the value of gold smuggled out of Uganda during 2013 to be approximately $271 million and that the Government of Uganda lost an estimated $2.7 million in tax revenue during 2013.

Burundi

189. Burundi is a major transit country for gold originating in eastern Democratic Republic of the Congo. While some Congolese gold is blended into the official gold supply trade in Burundi and legally exported as Burundian gold, some is smuggled directly out of Burundi. Burundian intelligence officials and a gold trader told the Group that most of the Congolese gold smuggled through Burundi is exported to Dubai. There is no production data for gold in Burundi, nor is there a traceability scheme in place yet (see S/2013/433, para. 163), which makes it difficult to determine the level of smuggling of Congolese gold. In order to combat smuggling through Bujumbura's airport, in October 2013 the Government launched a new programme that involves weighing gold exports, sealing packages in the presence of numerous government agents at the comptoir and weighing the packages again at the airport.

190. According to official statistics, from January to October 2013 17 comptoirs and individuals in Burundi exported 2,539 kg of gold worth $73.9 million (see annex 74), of which 2,537 kg went to Dubai, 1 kg to Lebanon and 1 kg to Kenya. The Group estimates that the Government of Burundi should have collected $529,350 in taxes between January and October 2013, based on a 0.5 per cent tax on gold exports. One Bukavu-based exporter, Mining Congo, buys gold from Misisi (see para. 161); the owner of Mining Congo, Jean Claude Nzeyimana, personally exported 64 kg of gold from Burundi as at October 2013.

191. In 2013, 17 gold comptoirs were exporting gold. This figure differs greatly from that of previous years, when Mutoka Ruyangira dominated the gold market in Burundi (see S/2008/773, para. 93, and S/2009/603, para. 140). In a meeting held in April and in a letter to the Group, Ruganyira stated that he had sold his company, Berkenrode, in January 2011 to Ntahangwa Sprl and that he was no longer involved in the gold trade. The Group continues to investigate the matter.

192. A gold buyer in Bujumbura — Etablissement Jean Jbeili (see annex 75) — told the Group that it was not exporting gold in 2013; however, the Group obtained an export document from April showing that the company had in fact exported gold (see annex 76). Official export statistics also show that Etablissement Jean Jbeili legally exported 45 kg between January and October, including 1 kg to Lebanon. Lebanon did not, however, report any import from Burundi for 2013. Jbeili has yet to start activities at its refinery (see S/2013/433, para. 163); according to its licence, it must implement traceability regulations.

193. On 15 October, the Government of Burundi adopted a new mining code that increased the tax on the value of precious metals from 0.3 to 2 per cent — making it

the same as the tax in the Democratic Republic of the Congo. The new code also penalizes smugglers with sentences of up to 20 years and/or a fine of up to $13,000. However, the Group notes that the new code does not make any reference to due diligence or the ICGLR regional certification mechanism.

United Republic of Tanzania

194. The United Republic of Tanzania is a major gold producer; it is also a transit country for gold smuggled out of eastern Democratic Republic of the Congo. During the Group's official visit to the United Republic of Tanzania in August, Tanzanian authorities told the Group they had not seized any gold or minerals coming from the Democratic Republic of the Congo and that gold and minerals from the Democratic Republic of the Congo were not being traded in the United Republic of Tanzania. After this visit, the Group sent a request to the Government for statistics for tin, tungsten, tantalum and gold; however, at the time of writing the present report, the authorities had not responded to the Group's request.

195. Congolese gold is smuggled from South Kivu into the United Republic of Tanzania primarily by boat across Lake Tanganyika to Kigoma. A gold trader, a Mai-Mai ex-combatant and a civil society leader told the Group that traders in these towns take the gold to Dar es Salaam, from where it is exported to Dubai. One Congolese gold trader in Dar es Salaam explained to the Group that he buys up to 5 kg of gold every month from rebel-held areas of Fizi territory in South Kivu.

196. During its visit to Kigoma in August, the Group was told by four local jewellers that they bought Congolese gold. A gold trader and one of his staff confirmed to the Group that Jafar (see annex 77), who was mentioned in the Group's 2009 final report (S/2009/603, paras. 161-162), remains a major trader of Congolese gold in Kigoma. The Group confirmed that another jewellery shop in Kigoma, owned by Maulid Seif Kuziga (see annex 78), buys gold from Misisi in South Kivu.

197. As in Burundi, Congolese gold smuggled into the United Republic of Tanzania is blended into official exports and smuggled separately out of the country. The owner of a Tanzanian transport company told the Group that he could easily obtain official documents from Tanzanian mining authorities to export Congolese gold.

Export destinations

198. The main downstream destination of artisanally mined Congolese gold remains the United Arab Emirates; other destinations are Lebanon and Asian markets, including India. The Group wrote letters to the United Arab Emirates, India and Lebanon requesting statistics for gold imports, exports, re-exports and transit, covering the period from January 2012 to August 2013. Only Lebanon replied to the Group's request; the United Arab Emirates and India, in spite of reminders, did not reply.

199. The Group wrote to the Government of Lebanon to request gold statistics. In response, the Government provided the Group with two sets of data, one of which showed that 151 kg had been imported from the Democratic Republic of the Congo between January and August 2013 and a second that showed that 27.2 kg had been imported from January to 13 November. Lebanon had no gold imports from Uganda, Burundi, the United Republic of Tanzania or South Sudan. The Group wrote to Lebanon to ask for clarification as to the importers of the gold and the origin in the

Democratic Republic of the Congo of the gold. At the time of writing, it had not received a reply.

Tin, tungsten and tantalum

200. Eastern Democratic Republic of the Congo has large deposits of tin, tungsten and tantalum. While progress has been made to promote due diligence and traceability for these minerals in the Democratic Republic of the Congo (see annex 79), many problems remain with respect to production and trade. During 2013, the Group confirmed a continuing pattern of smuggling to Rwanda and documented seizures made by the authorities of the Democratic Republic of the Congo of minerals being smuggled to Rwanda (see S/2012/843, para. 163-177). While there is residual smuggling to Uganda and Burundi, a key incentive for smuggling to Rwanda is the price differential between the Democratic Republic of the Congo, where few minerals are tagged, and Rwanda, where all minerals are tagged. For example, in October, the price of tin was $4 per kg at South Kivu mines, $8 per kg at trading houses in Bukavu and $15 per kg in Kamembe, Rwanda.

Democratic Republic of the Congo

Official exports

201. Between January and September 2013, the Democratic Republic of the Congo officially exported 5,388.5 tons of tin. Comptoirs from Katanga accounted for the greatest volume of exports (2,694.2 tons), followed by Maniema (1,233.5 tons), South Kivu (839.9 tons) and North Kivu (620.9 tons) (see annex 80). For tantalum, the only official exports came from comptoirs in Katanga (319.6 tons) and North Kivu (139.2 tons). For tungsten, official exports came from Katanga (60.2 tons) and North Kivu (35.0 tons).

Smuggling

Rubaya

202. In August, the Group visited the town of Rubaya and the tantalum mine of Luwowo (see annex 81), in Masisi, North Kivu. There were two important issues regarding tantalum mines in the area.

203. First, there is a long-standing dispute regarding the mines in the area of Rubaya between Mwangachuchu Hizi International (MHI) and the mining cooperative called Cooperamma. The disagreement between MHI and Cooperamma over the legal right to mine these sites was resolved in late 2013, when both parties agreed that Cooperamma could continue to mine the sites artisanally but must sell all of the production to MHI. Should MHI be unable to buy the production, Cooperamma can sell the minerals elsewhere.

204. Second, tantalum from the Rubaya area is being smuggled to Rwanda through Goma. The Group confirmed this through interviews with a trader in Rubaya, a trader in Goma, two mining officials in North Kivu and a Goma resident who witnessed smuggling taking place in September. Such smuggling takes place by truck at small border crossings in Goma, such as Makoro and the ITG cemetery (see annex 82), and normally involves transferring bags of tantalum between trucks close to the border and paying for it in cash to Congolese and Rwandan soldiers stationed at the

transit point. The smuggled tantalum is then taken to warehouses in Gisenyi, where it is tagged.

205. The Group also learned from traders that Cooperamma works closely with some mining agents to understate actual production and export levels from the Rubaya mines in official reports. This cooperation enables Cooperamma and mining agents to harmonize statistics and thereby hide a certain amount of production, which is smuggled through Goma to Rwanda. The Group asked MHI what measures it would take to address these problems since it is the sole buyer of Cooperamma's tantalum. MHI replied that it was planning to deploy more staff to stop people from stealing minerals.

Bisie

206. Bisie has major deposits of tin ore but, because it has not been validated, production is prohibited. However, during 2013 the Group obtained photographs taken in August that confirm the production and transport of tin from Bisie (see annex 83 and S/2013/433, paras. 177-178). Further confirmation was provided by the addition to mineral stocks after February 2013, when the stock verification commission counted 355.4 tons of red tin ore in storage at Bisie. Between 1 July and 30 September, mine operators shipped 776.2 tons of red tin ore from Bisie, which means that 420.8 tons were added to Bisie's stocks after February, in spite of the ban on production.

Maniema

207. Two traders, a provincial authority and local mine agents told the Group that during 2013 the amount of minerals smuggled out of the province by road and air had considerably reduced. This reduction is due to actions by the provincial and national mining authorities to ban the transport by air of minerals out of Maniema and to implement measures for tracing minerals in Maniema Province. The Group has also noted that there are no reports of illegal taxation at the tin, tungsten and tantalum mines in Maniema, no presence of armed groups and no illegal involvement of local administrators, PNC and FARDC in the tin, tungsten and tantalum artisanal mining sector in the province.

208. However, the Group has confirmed that some smuggling continues. The sources listed above informed the Group that tin and tantalum from Punia and Kasese are smuggled by boat on the Congo River to Kisangani and then by road to Goma. In Lubutu territory, tin is smuggled by boat to Kisangani and then by road to Rwanda, through Bukavu (see para. 216).

Idjwi

209. During its field visit to the island of Idjwi on Lake Kivu in October, local mining agents and officers from the migration and intelligence agencies told the Group that smugglers take tungsten from the Kamole mine to Goma and Gisenyi, Rwanda (see S/2013/433, para. 190). These sources told the Group that the primary smugglers are Deogratias Magayane Simagari (see annex 84), Mushaki Kabano Claude and Mututa, traders based in Bukavu who operate with the complicity of elements of the Congolese naval force stationed along the coastline of the island.

Shabunda

210. Tin and, to a lesser degree, tantalum are smuggled out of Shabunda territory by air from Lulingu and Shabunda town airstrips. Planes carrying consumer goods arrive at Lulingu and fly out with tin and tantalum to either Shabunda town or to Goma (see S/2013/433, para. 196). In addition, planes carrying minerals fly from Shabunda town to Bukavu or Goma.

Kalimbi mine

211. The Kalimbi mine in Nyabibwe remains the only mine where tagging is practiced in South Kivu despite the fact that other mines around Kalimbi have been validated (see annex 85), as the Kamole and Lemera mines on Idjwi island have been, by the validation team in July and August 2013. The comptoir World Mining Company was the sole buyer of tagged tin from the mine.

212. Although the minerals from the mine are considered to have originated in a conflict-free area, the Group has continued to document cases of smuggling of untagged minerals from the mine to Goma and then Rwanda (see para. 216). Provincial mining authorities and a member of the cooperative at Kalimbi told the Group that local mining agents at Nyabibwe facilitate the smuggling. The Group listened to conversations during which Rwandan traders discussed ways to purchase tin from Kalimbi.

213. On 15 August, the South Kivu provincial government increased taxes on mineral production from $0.01 per kg to $0.05 per kg (see annex 86). The decree requires miners to pay half of the amount and traders to pay the other half. Miners have reacted angrily to this decision and traders have stopped buying minerals from Kalimbi until the tax is cancelled or reduced. This has resulted in reduced production at Kalimbi and increased smuggling, as shown by recent seizures. At the time of writing, the tax increase remains in place.

Seizures

214. On 4 September, Government authorities found a container with 30 kg of tantalum in a package at Goma airport. The package had arrived on a flight with the Mango express company from Kasese in Maniema Province to Goma. The Congolese authorities sent the tantalum back to Kindu (see annex 87).

215. On 26 September, Congolese customs authorities seized 368 kg of tantalum hidden inside a car at the Goma border post between the Democratic Republic of the Congo and Rwanda (see annex 88). The car had specially designed compartments under the car seats; according to Congolese authorities, this indicated that the car was used frequently for smuggling (see annex 89). According to Congolese mining authorities, the smuggled tantalum came from the Rubaya area.

216. Also on 26 September, an agent from the mines administration in Nyabibwe seized two sacks, each weighing 90 kg, containing tin from Kalimbi. The agent intercepted the sacks in the village of Kinyezire, along the Nyabibwe-Goma axis (see annex 90). A group of youths attacked the mines agent and seized the minerals; the youths were subsequently arrested but the tin disappeared.

217. On 6 October, a member of the anti-fraud commission arrested André Tshibangu wa Tshibangu at the Ruzizi I border post in Bukavu, while he was

attempting to cross into Rwanda. He had 420 kg of tin hidden in secret compartments in his vehicle (see annex 91). The Group interviewed Tshibangu, who told the Group he had bought the minerals for $8 per kg in Bukavu and had expected to receive $15 per kg for them in Kamembe, Rwanda, where there are many businessmen buying tin from the Democratic Republic of the Congo. He said the minerals had originally come from Kamituga.

218. On 15 October, a mines administration agent seized 15 kg of tin at a checkpoint in Kalungu town; the minerals were repatriated back to Nyabibwe (see annex 92).

Rwanda

219. In previous years, as in 2013, the Group documented cases of tin, tungsten and tantalum smuggled from the Democratic Republic of the Congo to Rwanda (see S/2012/843, paras. 163-177, and S/2011/738, para. 478).

Official exports

220. Throughout its mandate, the Group tried to ascertain the level of production in Rwanda in order to compare that amount with the declared production and sales to Rwandan comptoirs. Assuming production data is sound, this could be one of the clearest ways to assess the exact extent of smuggling of Congolese minerals into Rwanda. To this effect, the Group addressed two letters to the International Tin Research Institute (ITRI), the first requesting information on the production of tin, tungsten and tantalum and the second requesting information on production by mine.

221. On 18 July and 12 September, ITRI responded to the first letter, stating that:

> Mine production figures cannot be separated into individual types (cassiterite, wolframite, tantalite) since Rwanda has a complex geology and a large proportion of the mines do not produce individual mineral but mixed minerals. There will always be uncertainty over which exact mix of minerals is being produced or traded. In an effort to improve our understanding of the mixed mineral sources and overall plausibility of production we have agreed with the Rwandan Government to carry out a basic sampling programme at all mines to provide assay data; this has recently begun.

222. On 19 November, ITRI provided the Group with information about the minerals industry of Rwanda. This aggregated data show that between June 2011 and April 2013, the official production and export of minerals of Rwanda dropped and then increased (see annex 93). Between June and December 2011, Rwanda exported 583 tons more minerals than it produced; the Group could not determine the origin of this excess. Production and export quantities were roughly equal during 2012, but for the first four months of 2013, Rwanda officially produced 198 more tons than it exported.

223. On 30 September, the Group sent a letter to the Ministry of Mines of Rwanda requesting the estimated monthly/yearly production, by mine, for all mines producing tin, tungsten and tantalum in the country (as well as the number of diggers and information on all tags at mines and at comptoirs). As of the time of writing the present report, the Ministry of Mines had not responded to the Group's request.

Seizures

224. On 22 October 2013, Rwandan authorities informed the Group there had been no seizures during 2013. The same day, Rwandan customs authorities told the Group that they had obtained no answer from their Congolese counterpart regarding the return of 8.4 tons of minerals seized in 2012 (see S/2013/433, para. 192). On 30 October, the Group wrote to the Government of the Democratic Republic of the Congo enquiring about its lack of action relating to a request from the Government of Rwanda about the return of the minerals. In November, Rwandan authorities handed these minerals over to Congolese authorities in Goma.

Ivory

225. The slaughter of elephants in the Democratic Republic of the Congo is one of the most tragic consequences of years of war and poor governance. Driven by growing demand in Asia and increases in prices, poaching by armed groups and criminal networks has decimated elephant populations throughout eastern Democratic Republic of the Congo. Despite the efforts of international conservationists and some Congolese authorities, the killing continues on a daily basis. The Congolese Institute for the Conservation of Nature, which oversees the national parks of the Democratic Republic of the Congo, identified 310 cases of elephant poaching between January 2012 and October 2013 (see annex 94); however, since park authorities have a limited ability to patrol most of the parks under their responsibility, it is likely that this number is considerably below the actual level of poaching.

Garamba National Park

226. Garamba National Park, which is situated in the north-east part of Orientale Province, shares a border with South Sudan (see annex 95). In the 1960s, the park was home to approximately 22,000 elephants and more than 2,000 rhinoceroses. In October 2013, park authorities told the Group that a 2012 census showed fewer than 2,000 elephants were left. They also said that they had seen one rhinoceros in 2006 but have neither seen nor found traces of any rhinoceroses since then.

227. Park authorities are severely limited in their ability to address poaching owing to a lack of serviceable weapons and ammunition and to an inability to patrol two thirds of Garamba National Park. Park rangers conduct foot patrols only in the southern third of the park, south of the Garamba river. During 2012, park authorities confirmed that 49 elephants had been killed by poachers in this section of the park; between January and September 2013, they recorded 16 cases of elephant poaching (see annex 96). In addition, three hunting domains surround Garamba park, in which local populations have limited rights to use and access resources but are prohibited from killing elephants. Park authorities told the Group that they do not have authority to patrol the domains, but believe that poaching in those areas is unchecked and rampant. Dozens of gold mines have appeared in two of these reserves, with many right along the border of the park (see annex 97), which has increased poaching for food and, according to park authorities, for ivory because elephants migrate through the new mining areas.

Poachers

228. Park authorities, local leaders in Dungu and United Nations sources informed the Group that the three main actors poaching elephants in Garamba National Park

are local poachers, FARDC and international poachers from South Sudan. Three lesser actors in poaching are LRA, park rangers and unknown aerial hunters. Between January and November 2013, park rangers had 9 encounters with poachers in the southern third of Garamba park (see annex 98).

229. The sources listed above all believe local poachers are responsible for a large share of poaching in the hunting domains and in Garamba National Park. These poachers, usually armed with AK-47 assault rifles, operate from villages and towns close to park boundaries. The sources cited above told the Group that local poachers work closely with FARDC soldiers, who provide them with guns and bullets in exchange for ivory and/or bushmeat.

230. FARDC soldiers poach elephants and other animals inside the park and the surrounding hunting domains. Park authorities have reported that there have been several encounters with FARDC in recent years. For example, on 27 February 2013, park rangers encountered a group of FARDC soldiers inside the park who had poached two hippopotamuses in the Dungu River. During a short firefight, park rangers killed an FARDC officer. The soldiers ran and left behind uniforms, weapons and a large quantity of meat (see annex 99).

231. Poachers from South Sudan are believed to be responsible for a large share of elephant poaching. Numerous sources told the Group that South Sudanese poachers are most active in the northern and eastern areas of Garamba National Park and in the Mondo Missa hunting domain. On 13 October, a shoot-out took place between park rangers and South Sudanese poachers, after which the rangers captured an AK-47 rifle and South Sudanese army uniforms (see annex 100). A South Sudanese man named Tabani was the leader of a group of 25-40 poachers; park authorities told the Group that he was killed in November 2013.

232. Other actors also engage in elephant poaching in Garamba National Park, but on a smaller scale. LRA has maintained bases in the park (see para. 120) and engaged in the poaching of elephants and other animals. Park rangers have tracked LRA inside the park and raided LRA camps (see annex 101). Ugandan authorities told the Group that in February 2013 Ugandan and United States forces recovered six ivory tusks in the Central African Republic that were reportedly stashed by LRA members who came from the Democratic Republic of the Congo. On 18 May, park rangers engaged in a firefight with LRA inside the park, killing two girls and wounding and capturing an 18-year-old boy. In July 2012, park authorities arrested two park rangers who had poached two elephants and a lion. During 2012-2013, there was an instance of elephant poaching from a helicopter, the biggest single mass killing of elephants recorded in recent years (see annexes 102-104).

Trade

233. Park authorities and local leaders in Dungu told the Group there are three main trading routes for ivory poached in and around Garamba National Park. South Sudanese poachers normally take ivory back to South Sudan, from where it is traded either in Juba or in Khartoum. The second major trading route is through the town of Ariwara, in Ituri's Aru territory. The price for ivory in Ariwara declined during 2013 from $150 per kg to $40-60 per kg by the end of October, owing to large seizures in Kenya and Uganda, which caused concern among ivory traders (see para. 236). Congolese and Ugandan traders sell ivory to buyers in Aru or Kampala. The third trading route, which is considered minor compared to the other two, is through

Dungu town. Local sources in the Democratic Republic of the Congo and government authorities in Uganda told the Group that ivory poached in the Democratic Republic of the Congo is generally shipped to Asia.

Virunga National Park

234. The Group previously documented ivory poaching in Virunga National Park and the role of Congolese businessman Muhindo Kasebere in the ivory trade (see S/2013/433, para. 200). Congolese officials in Beni and Kasindi told the Group they had not seen Kasebere since March 2013, when he fled to Uganda; however, Ugandan officials told the Group in October 2013 that they had not been able to find Kasebere on their territory. Three local officials identified the building in Kasindi where Kasebere had stored and traded ivory (see annex 105).

235. A former poacher, three local officials in Beni and Kasindi and a United Nations source told the Group that Kasebere had worked with Dura Mawa Muhindo, a former lieutenant colonel of the Uganda People's Defence Forces who is currently the Kasese district local council chair, to transport ivory from Kasindi, Democratic Republic of the Congo, to Kampala. According to these sources, Kasebere would call Muhindo, who would provide an armed escort at Mpondwe, just across the border from Kasindi, to ensure safe transport for the ivory to Kampala. In October 2013, the Group met with Muhindo, who denied these claims. Muhindo told the Group that while he had many contacts in Democratic Republic of the Congo, he was not engaged in business and that he believed that claims about his involvement in the ivory trade came from people who wanted to tarnish his image because of his efforts to fight ADF and bring stability to the area of Kasese.

Okapi Fauna Reserve

236. The Group previously documented elephant poaching in the Okapi Fauna Reserve (see S/2013/433, para. 77, and S/2012/843, para. 129). Poaching in the reserve has continued unabated during 2013, with major actors including Morgan (para. 64), Maitre and "Jesus" (see annex 31). Ivory is generally traded to the west through Kisangani, to the east through Bunia and to the south through Beni and Butembo.

Uganda

237. Uganda is the main transit country for ivory from the Democratic Republic of the Congo. During 2013, the Government of Uganda has made numerous seizures of ivory (see annex 106); during one such seizure, 832 pieces of ivory weighing 2,903 kg were recovered on 17 October in Kampala (see annex 107). Ugandan authorities told the Group that Owino Odhiambo, a Kenyan national, was responsible for this shipment, which was hidden in a container destined for Mombasa, Kenya, from where it was to be shipped to Malaysia. In addition, in July, Kenyan authorities seized approximately 1,300 kg of ivory in Mombasa, which had come from Uganda and was destined for Malaysia.

Kenya

238. The Group repeatedly made telephone calls and sent numerous letters anode-mails during 2013 to the Government of Kenya for information about ivory seizures

and smuggling. The Government of Kenya did not respond to any of the Group's requests.

VII. Recommendations

239. The Group of Experts makes the recommendations set out below.

Security Council

240. The Group of Experts recommends that the Security Council extend the mandate of the Force Intervention Brigade of MONUSCO for another year in order to support FARDC operations against armed groups in eastern Democratic Republic of the Congo.

Member States in the Great Lakes region

241. The Group of Experts recommends that Member States in the Great Lakes region prioritize the implementation of the ICGLR Regional Initiative against the Illegal Exploitation of Natural Resources, strengthen and harmonize penalties for ivory trafficking and coordinate efforts to identify and address ivory trafficking networks.

International Conference on the Great Lakes Region

242. The Group of Experts recommends that ICGLR create a commission to investigate and address cross-border trafficking in minerals, in accordance with the Lusaka Declaration of 2010, and work with Member States to harmonize taxes on gold in the region in order to reduce incentives for smuggling.

Governments of Rwanda and Uganda

243. The Group of Experts recommends that the Governments of Rwanda and Uganda create an updated list of M23 members who took refuge in their territories and share the information with the Committee, including biodata of sanctioned individuals, with a view to updating the sanctions list.

244. The Group of Experts also recommends that the Governments of Rwanda and Uganda extradite Congolese M23 members, pursuant to international arrest warrants, and that they investigate and prosecute individuals who have provided support to M23 from within Rwanda and Uganda.

Government of Uganda

245. The Group of Experts recommends that the Government of Uganda share a list of the weapons surrendered by M23 with the Group as requested by the Committee and that it demonstrate progress in combating gold smuggling, legalizing its gold trade and reporting to the Committee on progress.

Government of the Democratic Republic of the Congo

246. The Group of Experts recommends that the Government of the Democratic Republic of the Congo do the following:

(a) Issue arrest warrants and extradition warrants, when applicable, against all armed group leaders who have committed serious violations of international humanitarian law;

(b) Investigate and prosecute FARDC commanders who have collaborated with FDLR and other armed groups;

(c) Demonstrate progress in combating gold smuggling, legalizing its gold trade and reporting to the Committee on progress in that regard;

(d) Process reports from validation teams for approval of mining sites as conflict-free within three months of receiving the reports;

(e) Recruit and train more mining agents and mining police to cover all validated mines;

(f) Implement the action plan concluded in October 2012 concerning child recruitment and other violations of international humanitarian law, including abuses towards children;

(g) Improve efforts to negotiate with armed groups by appointing small teams of officials specifically focused on one armed group, whose task it would be to liaise with and coordinate the actions of local authorities, MONUSCO and United Nations agencies to secure each armed group's surrender;

(h) Acquire the technical capacity to better track the source of artillery and tank fire in eastern Democratic Republic of the Congo, with a view to resolving disputes between the Democratic Republic of the Congo and Rwanda regarding allegations of cross-border firing;

(i) Allow customs officials, the Office congolais de contrôle and the Société congolaise de transports et des ports to have access to containers transporting military equipment.

Government of Burundi

247. The Group of Experts recommends that the Government of Burundi investigate and report to the Committee on progress made in addressing Congolese gold smuggling in Burundi.

Government of the United Republic of Tanzania

248. The Group of Experts recommends that the Government of the United Republic of Tanzania share gold production and trade statistics with the Group and that it report to the Committee on progress made in addressing Congolese gold smuggling.

International donors

249. The Group of Experts recommends that international donors do the following:

(a) Finance and technically supervise the demobilization plan and demobilization centres for Congolese armed groups in eastern Democratic Republic of the Congo;

(b) Support and technically supervise security sector reform in the Democratic Republic of the Congo;

(c) Finance the marking and creation of an electronic inventory of all arms and ammunition owned by the Democratic Republic of the Congo;

(d) Finance disarmament, demobilization, reintegration, repatriation and resettlement deployments before and during Force Intervention Brigade operations against FDLR, in areas where FDLR is deployed, to facilitate surrenders;

(e) Provide technical and financial support to the Expanded Joint Verification Mechanism.

United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

250. The Group of Experts recommends that MONUSCO assist the Government of the Democratic Republic of the Congo in registering and tracing arms and ammunition recovered from rebel groups and share data with the Group of Experts and that it increase human rights monitoring and protection activities prior to and during Force Intervention Brigade operations against armed groups.

Companies

251. The Group of Experts recommends that companies conduct due diligence in minerals purchase in the Great Lakes region, in addition to investing in traceability schemes.

Annex 1

Maps of eastern DRC

Map 1. South Kivu, North Kivu and Ituri District, DRC

Derived from base map © The Rift Valley Institute (RVI) 2013.
Information shown on this map is not endorsed by RVI.

MAP*grafix* 2013

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

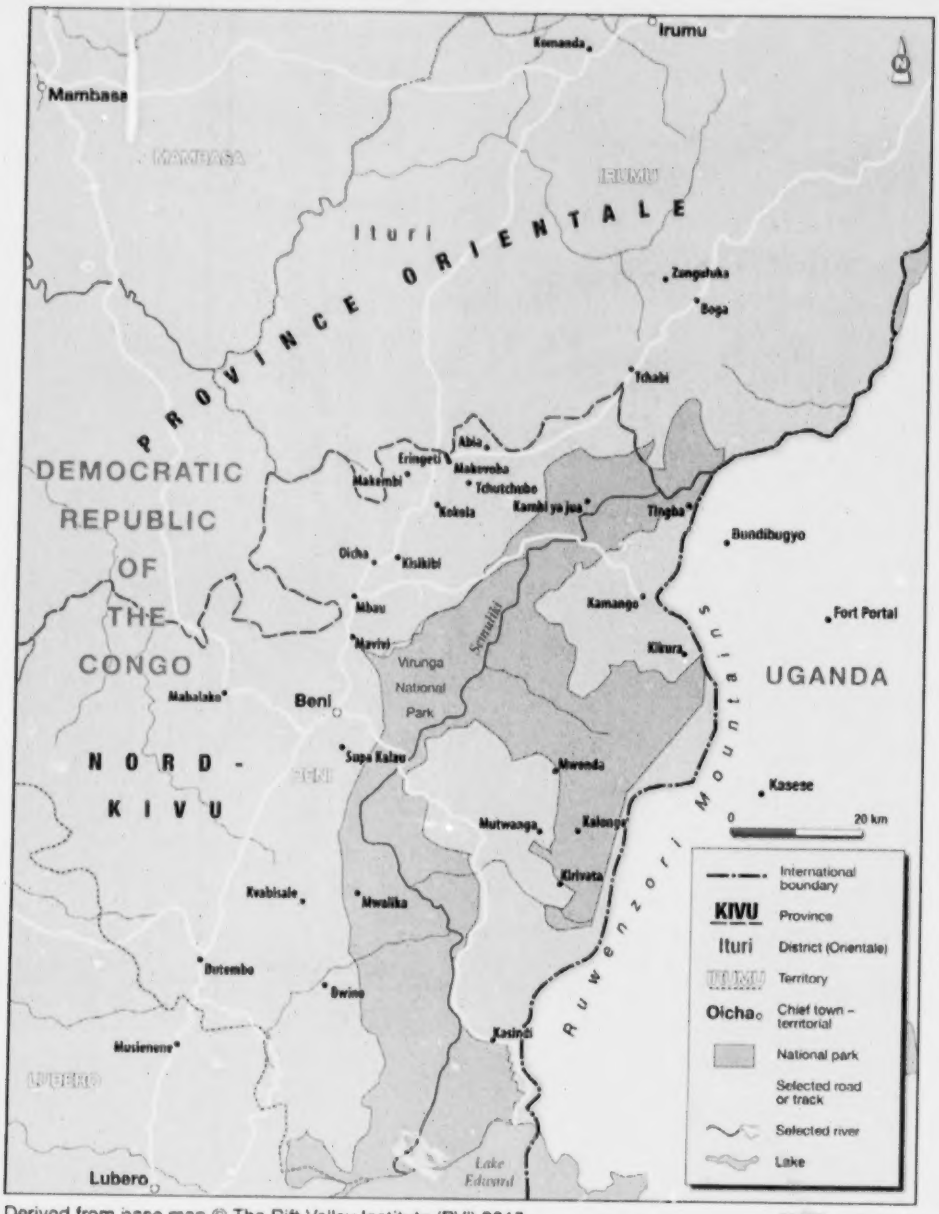
Map 2. Eastern Orientale, DRC

Derived from base map © The Rift Valley Institute (RVI) 2013.
Information shown on this map is not endorsed by RVI.

MAP*grafix* 2013

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Map 3. Northern North Kivu, DRC



Derived from base map © The Rift Valley Institute (RVI) 2013.
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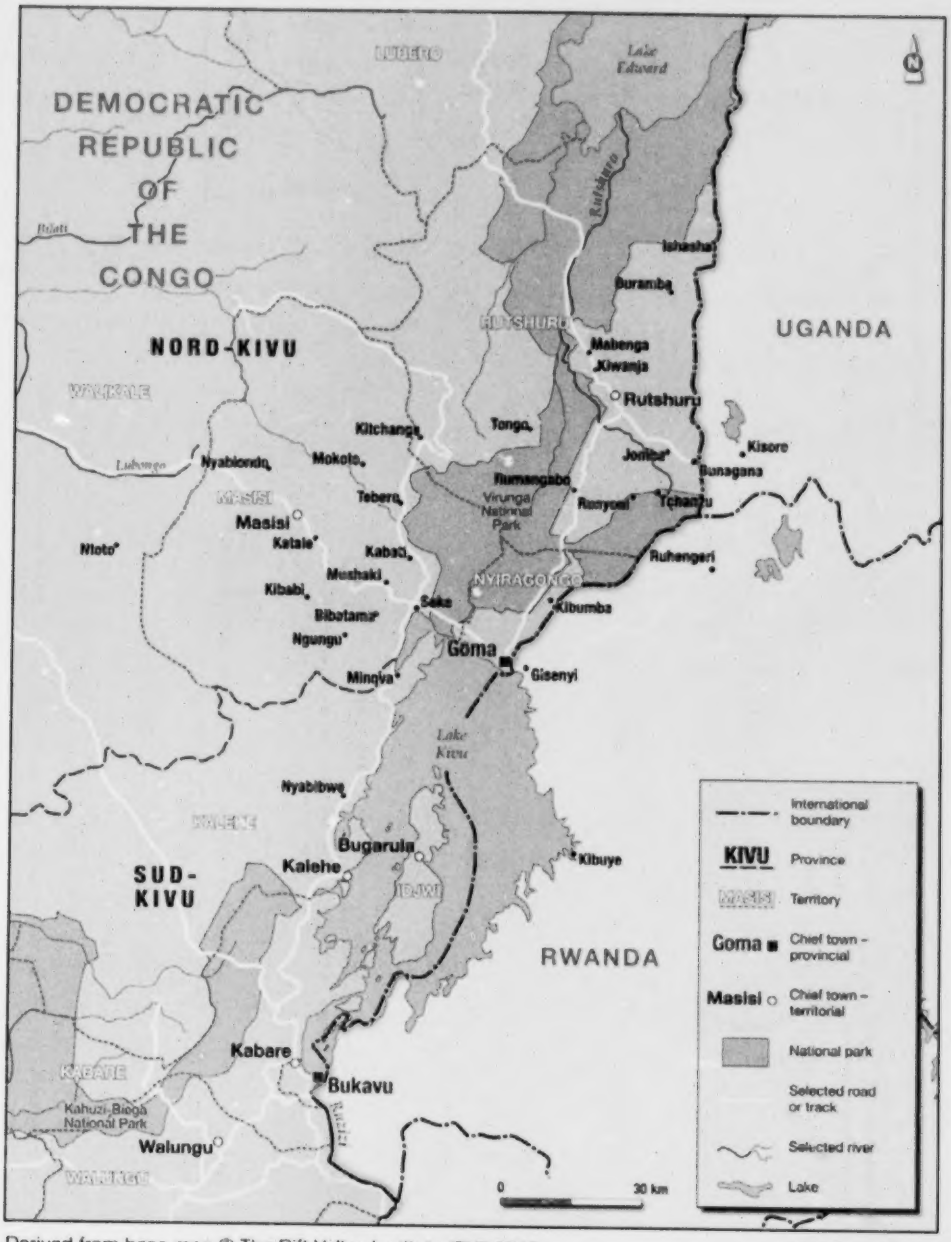
MAP*grafix* 2013

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Map 4. Southern North Kivu and northern South Kivu, DRC



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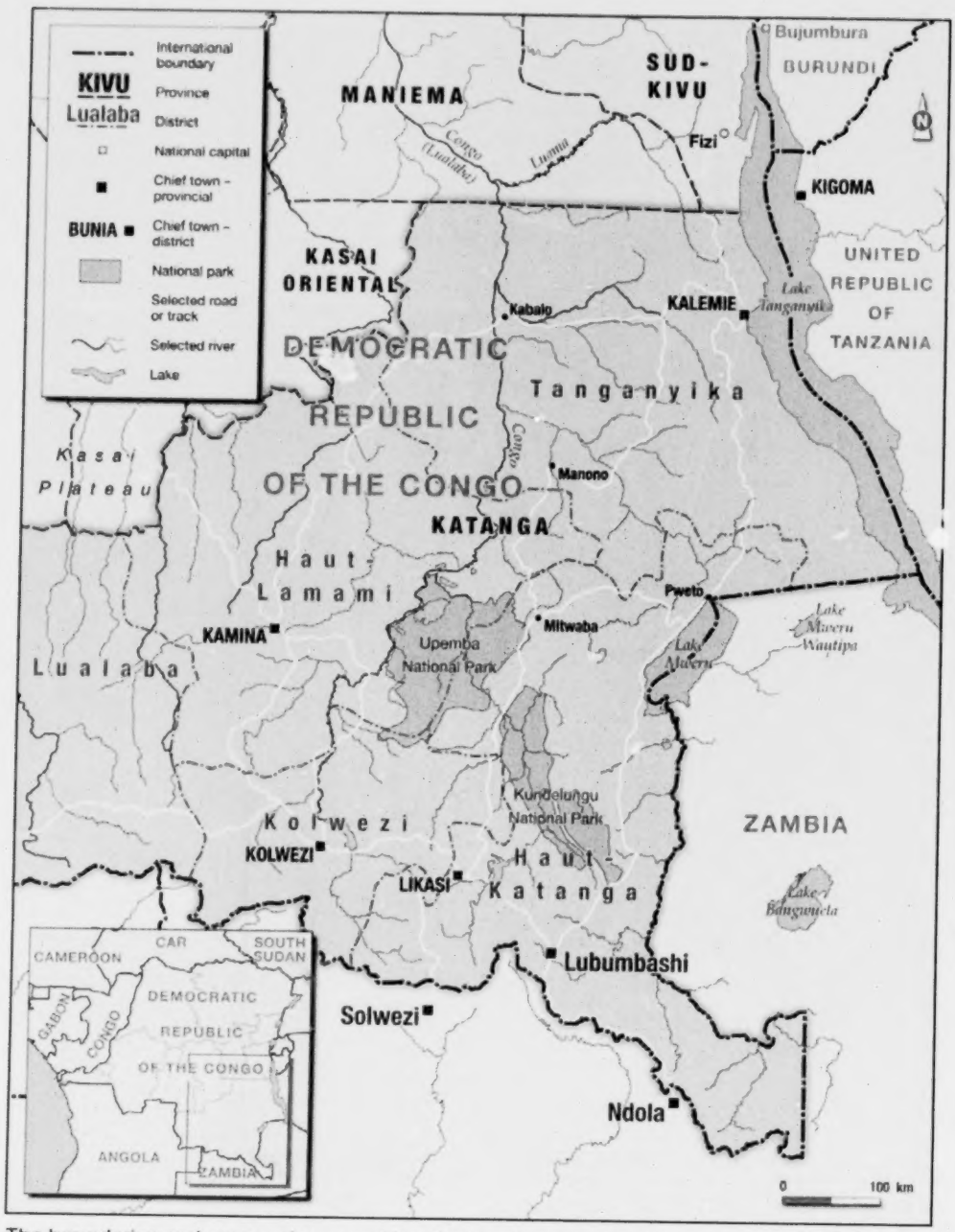
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Map 5. Katanga, DRC



The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

© MAPgrafix 2013

Annex 2

Replies to the Group of Experts requests for information

During the mandate, the Group addressed a total of 121 official communications to Member States, international organizations and entities (including multiple communications to the same addressees).

The Group received responses from the Governments or governmental offices of Belgium, Burundi, Office Burundais des Recettes/Burundi (OBR), Croatia, Germany, Lebanon, Norway, Rwanda, Serbia, Slovenia, South Africa, Switzerland, Uganda, the United Kingdom, the United States, the US National Fish and Wildlife Forensics Laboratory and the US Geological Survey.

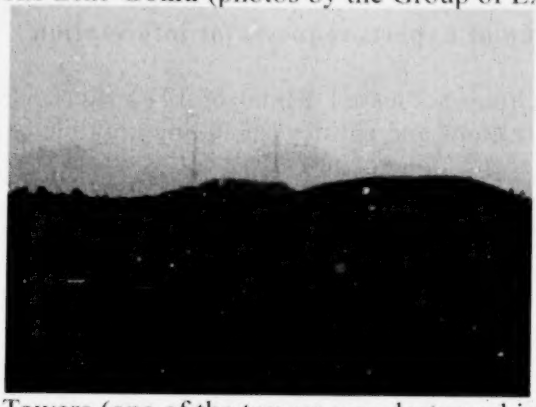
The Group did not receive responses from the Governments or governmental offices of Bosnia and Herzegovina, China, DRC, France, FYROM, India, Kenya Wildlife Service (KWS), Kenya, Iran (Islamic Republic of), Lebanon, Ministry of Natural Resources/Rwanda, Netherlands, Office of the Registrar General/Rwanda (ORG), Norway, Office of the Federal Prosecutor, Germany, Office of the Attorney General, Kenya, Rwanda, Tanzania, South Sudan, Sudan, Switzerland, Uganda, United Arab Emirates and the United States.

The Group received responses from the following international organizations and entities: CENAREF, Dahabshil, Ethiopian Airlines, ICC, ICCN, ICGLR, INTERPOL, ITRI, Minerals Supply Africa, MMG Limited, MoneyGram, Phoenix Metals Ltd, Rawbank, Rwanda Rudniki Ltd., MONUSCO, Thuraya, Trust Merchant Bank, UNDP Rwanda, Vodacom, Western Union, Centre for Intercultural Cooperation (Norway).

The Group did not receive responses from the following international organizations and entities: DMCC, Ecobank, EgyptAir, Equity Bank, Facebook, Munsad Minerals, MNR Rwanda, Total and UNHCR.

Annex 3

M23 hilltop positions near Goma (photos by the Group of Experts)



M23 position at the Three Towers (one of the towers was destroyed in August).

Destroyed bunker in former M23 position at Mutaho, which had been covered and camouflaged.

M23 position at Mujoga (date unknown).

Annex 4

Extract of an EJVM verification report about the shelling of Goma and Rubavu District (Rwanda) during fighting between FARDC and M23 in August 2013

EXPANDED JOINT VERIFICATION MECHANISM

MECANISME CONJOINT DE VERIFICATION ELARGI

1er OCTOBRE 2013

RAPPORT DE VERIFICATION SUR LES OBUS TOMBES A GOMA (RDC) ET DANS LE DISTRICT DE RUBAVU (RWANDA) PENDANT LES AFFRONTEMENTS ENTRE LES FARDC/BRIGADE D'INTERVENTION DE LA MONUSCO CONTRE LE M23 EN AOUT 2013.

Référence :

A. Termes de référence.
B. Communiqué des chefs d'Etat du 7ème Sommet extraordinaire du 5 Septembre 2013
C. Carte NYIRAGONGO: Carte No- GOMBRF6109. Echelle 1 /50 000

INTRODUCTION

Suite aux combats qui ont opposé les FARDC appuyées par la Brigade d'Intervention de la MONUSCO au M23 en Août 2013 dans la zone de KIBATI à environ 15km au Nord de la ville de Goma, certains obus sont tombés dans des endroits populaires à GOMA (RDC) et RUBAVU (Rwanda) provoquant ainsi des dommages collatéraux. Les deux pays ont demandé au MCV-E de vérifier et investiguer urgemment sur ces incidents. Cependant, le MCV-E ne pouvait pas procéder immédiatement à la vérification suite à la situation sécuritaire qui était tendue et par le manque des moyens logistiques. Le MCV-E a effectué la vérification en date du 20 Septembre 2013, trois semaines après les incidents. Le

OBSERVATIONS

Les observations suivantes ont été faites:

a. A partir des sites d'où la direction des tirs a été déterminées, 80% de ceux-ci provenaient de la zone des combat KIBATI – KIBUMBA ou le M23 étaient positionné durant les combats;

b. Les objectifs militaires n'ont pas été visés, cependant les bombardements ont été jugés délibérés ;

c. La majorité des sites vérifiés ont été manipulés.
(1) Obus transférés.
(2) Impact manipulés par les civils.
(3) Détérioration très prononcée des sites suite au retard, dans la vérification.

d. un certains nombre des sites revérifiés accidentellement.

e. sur la base des sites visités, les informations obtenues pendant la vérification, il y a avait un total de trois (03) civils tués dont deux (02) de la RDC et un (01) du Rwanda ; quinze (15) blessés parmi lesquels treize (13) de la RDC et deux (02) du Rwanda.

RECOMMANDATIONS

a. **Révision du son mécanisme de déploiement du MCV-E (SOPs) :**
(1) Fournir des moyens de réaction rapide au commandement afin d'assurer un déploiement opportun aux équipes de vérification ;
(2) Réduire la durée entre l'incident et le déploiement de l'équipe au lieu de la vérification (3-4 semaines sont optimales).
(3) Un Mémorandum d'entente avec la MONUSCO, intégrant le soutien aérien devant assurer la projection opportune de l'équipe de vérification.

Fait à GOMA, République Démocratique du Congo, le 1er Octobre 2013

1.....

Col Léon MAHOUNGOU
République du Congo

2.....

Col Emmanuel KAPUTA
République Démocratique du Congo

3.....

Col Patrick GASHUMBA
République du Rwanda

4.....

Lt Col John BABU
République du Kenya

5.....

Lt Col OMARI MAJANI
Republique Unie de Tanzanie

6.....

Lt Col Antoine BARIMURABO
République du Burundi

7.....

Maj Victor MWEWA
Republique de Zambie

8.....

Maj Paul MUWONGE
République de l'Ouganda

9.....

Maj Gary VEACOCK THOMAS
Grande Bretagne/MONUSCO

Annex 5

Destruction caused by M23 shelling of Goma (photos by the Group of Experts, 23 August 2013, and by MONUSCO staff)

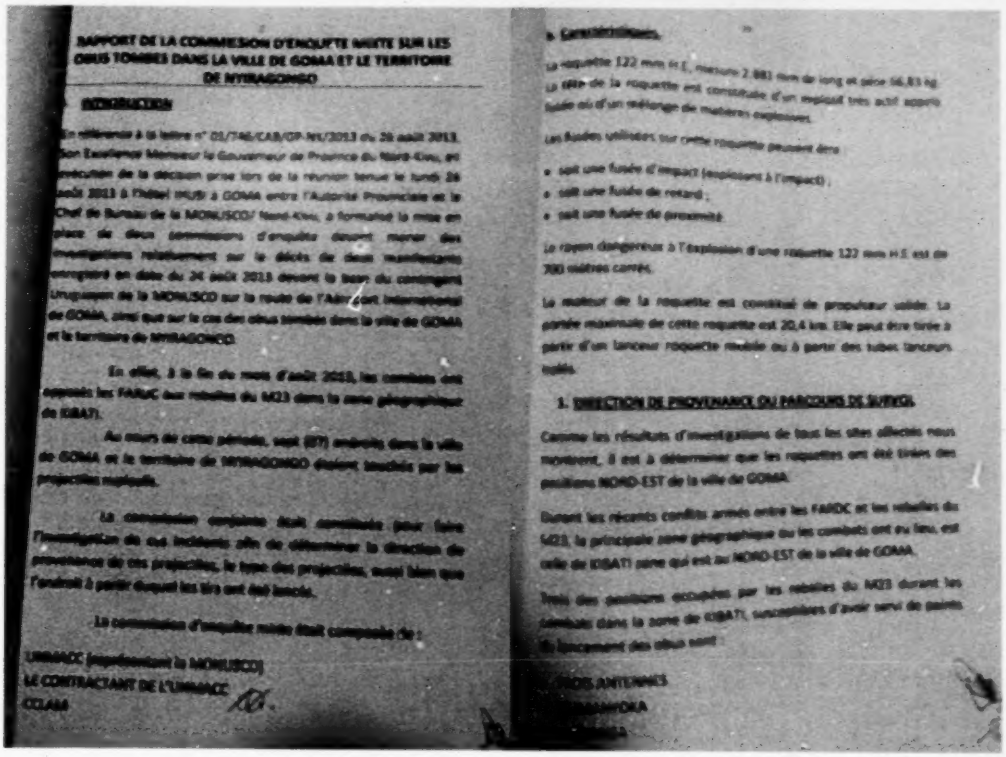
House of MONUSCO staff in Goma.

House in Goma.

Left: Anglican church. Right: Damaged school.

Annex 6
DRC-UNMACC report on Goma shelling

Extract of joint report produced by the DRC Government and the United Nations Mine Action Coordination Centre (UNMACC) on shelling incidents in Goma during the August fight between the FARDC and M23.



RAPPORT DE LA COMMISSION D'ENQUÊTE MIXTE SUR LES OBUS TOMBES DANS LA VILLE DE GOMA ET LE TERRITOIRE DE NYIRAGONGO

I. INTRODUCTION

En référence à la lettre n° DI/TAS/CAB/GP-NK/2013 du 28 août 2013, Son Excellence Monsieur le Gouverneur de Province du Nord-Kivu, en exécution de la décision prise lors de la réunion tenue le lundi 26 août 2013 à l'hôtel IHUSI à GOMA entre l'Autorité Provinciale et le Chef de Bureau de la MONUSCO/ Nord-Kivu, a formulé la mise en place de deux commissions d'enquête devant mener des investigations relativement sur le décès de deux manifestants enregistré en date du 24 août 2013 devant la base du contingent Uruguayen de la MONUSCO sur la route de l'Aéroport International de GOMA, ainsi que sur le cas des obus tombés dans la ville de GOMA et le territoire de NYIRAGONGO.

En effet, à la fin du mois d'août 2013, les combats ont opposés les FARUC aux rebelles du M23 dans la zone géographique de KIBATI.

Au cours de cette période, sept (07) endroits dans la ville de GOMA et le territoire de NYIRAGONGO étaient touchés par les projectiles explosifs.

La commission conjointe était constituée pour faire l'investigation de ces incidents afin de déterminer la direction de provenance de ces projectiles, le type des projectiles, ainsi bien que l'endroit à partir duquel les tirs ont été lancés.

La commission d'enquête mixte était composée de :

UNMACC (représentant la MONUSCO)
LE CONTRACTANT DE L'UNMACC
CCLAM

b. Caractéristiques.

La roquette 122 mm H.E. mesure 2.881 mm de long et pèse 66,83 kg. La tête de la roquette est constituée d'un explosif très actif appelé fusée ou d'un mélange de matières explosives.

Les fusées utilisées sur cette roquette peuvent être :

- soit une fusée d'impact (explosant à l'impact) ;
- soit une fusée de retard ;
- soit une fusée de proximité.

Le rayon dangereux à l'explosion d'une roquette 122 mm H.E est de 700 mètres carrés.

Le moteur de la roquette est constitué de propulseur solide. La portée maximale de cette roquette est 20,4 km. Elle peut être tirée à partir d'un lanceur roquette rivable ou à partir des tubes lanceurs rayés.

1. DIRECTION DE PROVENANCE OU PARCOURS DE SURVOL

Comme les résultats d'investigations de tous les sites affectés nous montrent, il est à déterminer que les roquettes ont été tirées des positions NORD-EST de la ville de GOMA.

Durant les récents conflits armés entre les FARDC et les rebelles du M23, la principale zone géographique ou les combats ont eu lieu, est celle de KIBATI zone qui est au NORD-EST de la ville de GOMA.

Trois des positions occupées par les rebelles du M23 durant les combats dans la zone de KIBATI, susceptibles d'avoir servi de points de lancement des obus sont :

1. SIX ANTENNES
2. RWANKUBA
3. [illegible]

Les positions militaires ci-dessus étaient stratégiquement importantes pour la surveillance ou l'emplacement de KIBATI dans un endroit élevé. (P) FARDC et la Brigade d'Intervention (durant les derniers combats) ont attaqué ces positions à partir de la direction SUD vers NORD et repoussés les rebelles du M23 de ces positions.

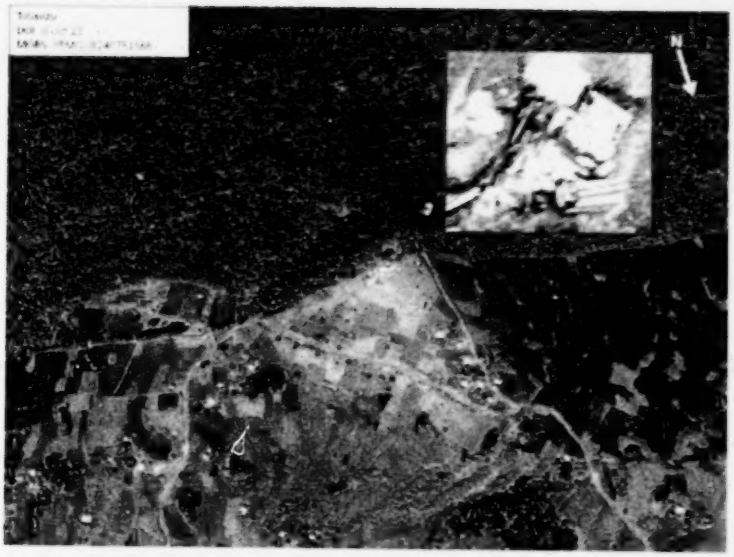
L'image satellitaire ci-dessus montre l'emplacement de la ville de GOMA et la zone de KIBATI.

Les endroits indiqués en couleur jaune montrent :

- Les sites affectés de #1- #7 dans la ville de GOMA
- La zone de Trois antennes, KUMANYOKA et KAVANZA là où l'équipe de l'UNMACC avait trouvé les roquettes 122 mm

Annex 7

Tshanzu



Aerial view of Tshanzu showing weapons stockpile, 8 October 2013 – MONUSCO source

EXPANDED JOINT VERIFICATION MECHANISM

MECANISME CONJOINT DE VERIFICATION ELARGI

Le 22 Octobre 2013

RAPPORT DE VERIFICATION DU MCV-E DANS LE SECTEUR DU M23 A BUNAGANA DU 17 AU 19 OCTOBRE 2013

Référence :

A. Termes de Référence ;
B. Demande de vérification sur la présence de 200 familles non identifiées dans TSHENGERERO ET BURAYI RDC par le Gouverneur de la province du Nord -Kivu, en date du 2 Octobre 2013 ;
C. Demande de la MONUSCO pour enquêter sur la présence d'un dépôt logistique en armements et munitions à TSHANZU Zone d'opération du M23, en date du 9 octobre 2013 ;
D. Demande de l'UPDF à vérifier les allégations sur l'infiltration de 05 véhicules militaires et un char de l'UPDF dans le territoire de M23, en date du 16 Octobre 2013 ;
E. Directive du Président du sous-comité des chefs d'Etat Major de la CIRGL (Ouganda) de faire un rapport sur l'état des affrontements à KANYAMAHORO, du 16 octobre 2013 ;
F. Demande du Gouverneur du Nord-Kivu au sujet d'un agent des douanes arrêté et détenu par le M23, du 14 Octobre 2013 ;
G. Demande du Commandant de la 8ème Région Militaire de la vérification de l'Artillerie du M23 sur le Mont HEHOL, du 16 Octobre 13.

1
DIFFUSION RESTREINTE

Excerpt from EJVM Report dated 22 October 2013, stating Makenga's refusal to grant access to an EJVM verification mission to the rebels' logistics depot in Tshanzu

f. Demande du commandant de la 8ème Région Militaire des FARDC pour vérifier les déploiements des pièces d'artilleries sur la colline HEHU.

Dans sa réponse, le Commandant MAKENGA a dit que le MCV-E n'avait pas informé au préalable de la mission à son Quartier Général (QG), mais a assuré au MCV-E de sa réponse positive malgré la réception de la demande en dernière minute. Il a donc demandé que dans l'avenir qu'un mécanisme formel de communication soit établi entre le MCV-E et son QG.

Sur les tâches de la mission du MCV-E, le Commandant du M23 a répondu de la manière suivante:

A. LES FAMILLES NON IDENTIFIEES A TSHENGERERO

Sur la question des familles non identifiées à TSHENGERERO, le Commandant MAKENGA, a déclaré que ces personnes étaient des ressortissants Congolais qui avaient fuit les zones d'insécurité dans leurs villages et ont cherché un refuge dans sa zone d'opération. Le groupe était logé dans un camp à TSHENGERERO. Il a en outre permis au MCV-E de visiter les personnes déplacées afin d'effectuer une vérification.

B. DEPOT LOGISTIQUE A TSHANZU

Sur la question du dépôt logistique à TSHANZU, le Commandant MAKENGA a dit qu'il s'agissait de leurs positions stratégiques dont l'accès est interdit. Il a par ailleurs dit qu'il n'y avait aucun accord formel qui pourrait permettre au MCV-E de vérifier ses sites militaires et n'était pas non plus lié par un accord de cessez-le feu pour permettre au MCV-E d'effectuer des inspections dans sa zone d'opérations.

C. LA COLLINE DE HEHU

Sur la question du déploiement des pièces d'artillerie du M23 près de la frontière avec le Rwanda, comme il a été demandé par le Commandant de la 8ème Région Militaire des FARDC, Le Commandant MAKENGA dit qu'il avait le droit de deployer ses armes et troupes dans sa zone d'opérations.

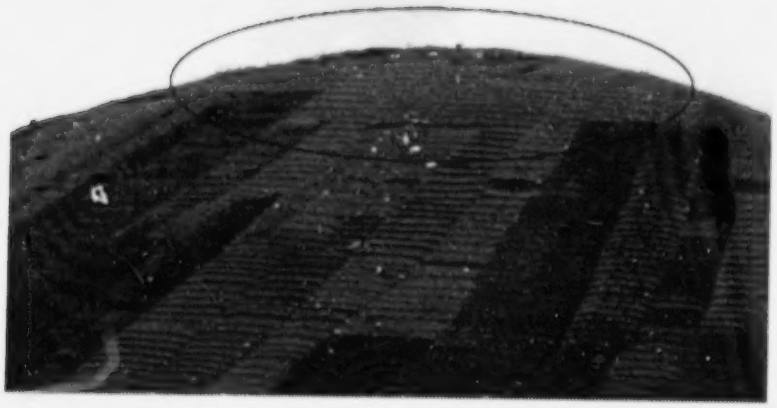
4

Annex 8

M23 positions close to the Rwandan border (photos by the Group of Experts, 2 November 2013)

Foxholes at the M23 position at Kabuye, at the DRC-Rwanda border.

The view from the foxholes, showing a clear view toward the Goma-Rutshuru road.



Mount Hehu, close to the Rwanda-DRC border, showing the M23 position on the summit on 7 October 2013 – MONUSCO source

Annex 9

Mai Mai attacks on M23

During 2012 and 2013, several Mai Mai groups in North Kivu attacked M23. In some cases these groups may have received ammunition and intelligence from some FARDC officers; however, FARDC officials have denied any such collaboration to the Group.

The Forces populaires pour la démocratie (FPD), known as Mai MaiShetani, and led by "Col." MunimaShetani operates north of Kiwanja in North Kivu (see S/2009/603, para. 331; S/2012/843, para. 102). Two former FPD soldiers told the Group that between August 2012 and January 2013, FARDC commanders gave them ammunition, with the instruction to use it against M23; this was confirmed by a local leader from Rutshuru. FPD soldiers also undertook ethnically motivated killings of Hutus[1], which prompted ethnic Hutus to create the Mouvementpopulaired'autodéfense (MPA).

In February 2013, the Forces de défence des intérêts du peuplecongolais (FDIPC) led by "Col." Kabasha formed in Rutshuru territory. FDIPC attacked M23 on several occasions during the year. Two FDIPC cadres and a former FDIPC soldier told the Group that the FDIPC attacked the M23 PENA military base in Rutshuru, and mounted several ambushes against "Gen." SultaniMakenga and other M23 members. Several FDIPC combatants and local leaders told the Group that FDIPC collaborated with FARDC by handing over captured M23 troops to FARDC, and by receiving ammunition from FARDC. Two FPIC members and a UN source acknowledged to the Group that the FDIPC has collaborated with the FARDC 809th Regiment.

Several armed groups participated in the final military operation against M23 in late October and early November. Ex-combatants and UN sources identified these armed groups operating in coordination with FARDC officers as: FPIDC, FDLR, RUD, Nyatura, MPA, and Résistance Nationalepopulaire (RNP).[2] Local leaders from Rutshuru territory reported that on 26 October, FDIPC and RNP took over Rutshuru and Kiwanja towns, and stated they were preparing for the FARDC's arrival. FDIPC burnt the vehicle of the M23-appointed administrator KacentreUzamukundaRubumba (see below). Following FARDC's victory over M23, some of these armed groups have sent troops to the 8th FARDC headquarters at Bweremana, where FARDC is screening them for demobilization or integration.

[1] In a struggle for leadership, Haji KadogoBikamiro, the FPD leader, beheaded MazutaBanyenzake, the local Hutu 'groupement' chief.

[2] A splinter group of FPD – Shetani.

Vehicle of the M23 administrator KacentreUzamukunda Rubumba burnt by FDIPC on 26 October 2013

Annex 10

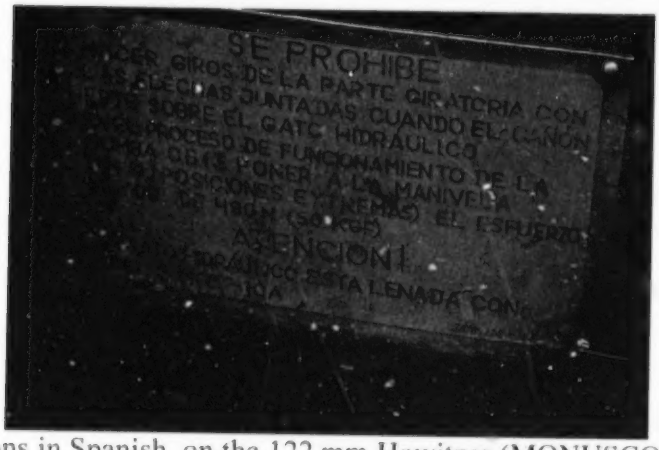
M23 tank and artillery (photos by the Group of Experts)

T55 tank in Kibumba.

122mm cannon. Three were found at Tshanzu, one of which was destroyed.

122mm cannon found at Rumangabo.

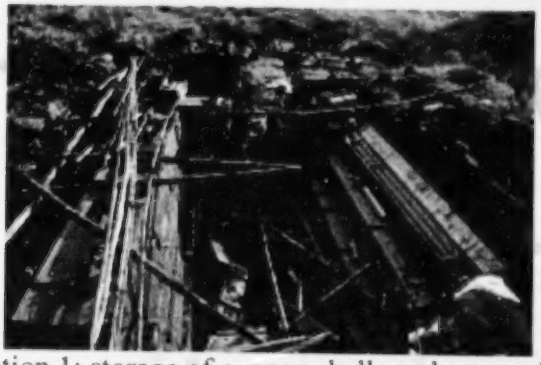
122 mm Howitzer (MONUSCO source).



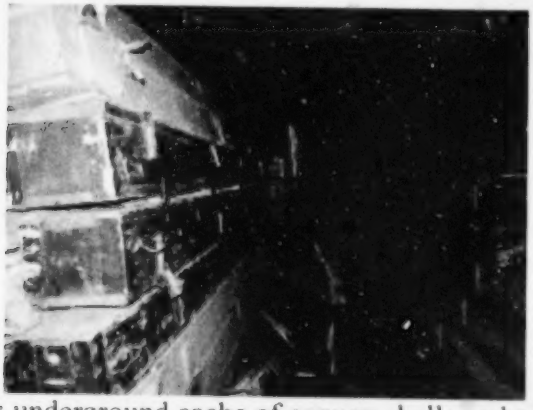
Instructions in Spanish, on the 122 mm Howitzer (MONUSCO source).

Annex 11

Ammunition recovered at the M23 headquarters in Tshanzu (photos by the Group of Experts)

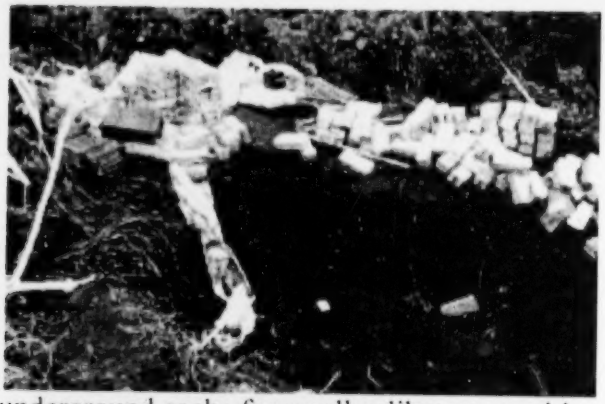


Location 1: storage of cannon shells and ammunition

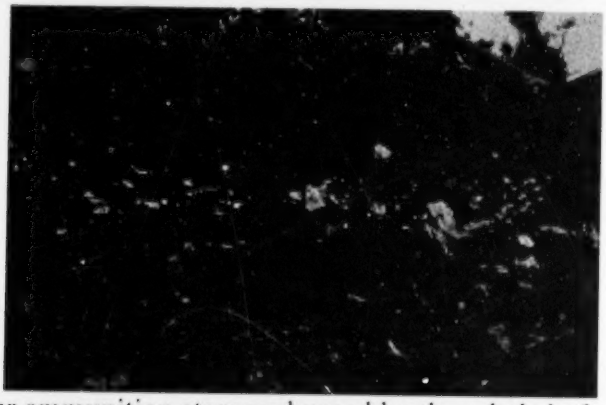


Location 2: underground cache of cannon shells and ammunition

Location 3: small caliber ammunition storage



Location 4: underground cache for small caliber ammunition and rockets



Location 5: small caliber ammunition storage, burned by the rebels before vacating the position

Location 6: storage destroyed by UN helicopter attack

Annex 12

M23 communique of 5 November 2013 declaring an end to the armed struggle

Declaration of the end of Rebellion

The M23 Directorate announces to both national and international opinions that it decided from this day to put an end to its rebellion and to pursue by purely political means, to find the solutions to the root causes which led to its creation.

Therefore the General Chef of staff as well as all M23/Congolese Revolutionary Army Units commanders are requested to prepare the troops to the process of disarmament, demobilization and social reintegration as the terms are to be agreed with the Congolese Government.

Kampala, November 5 2013

The Chairman of the M23 Movement

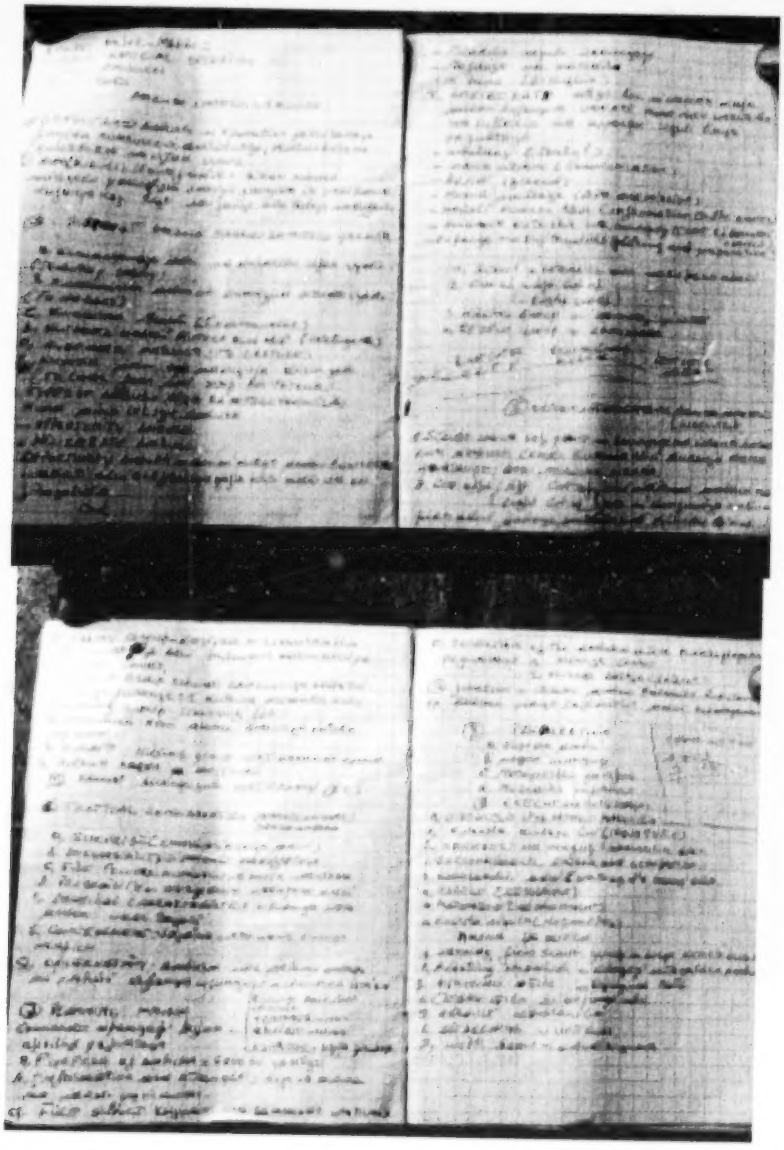
Bertrand BISIMWA

Annex 13

Weapons surrendered by M23 soldiers who fled to Uganda (photos taken during a 9 November 2013 EJVM mission to Uganda)

Annex 14

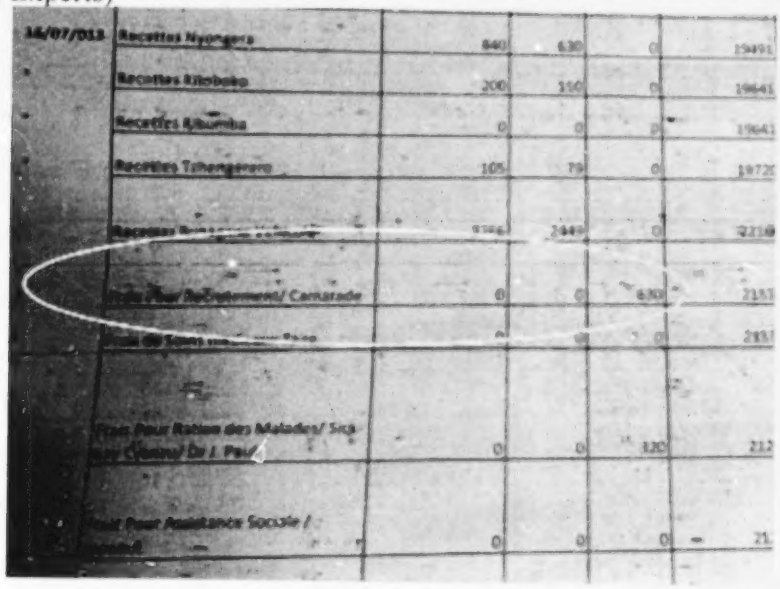
Extract of an M23 notebook recovered in Rumangabo (photos by the Group of Experts)



Extract of a notebook from an M23 recruit, in English and Swahili. These pages show instructions on how to lay an ambush.

Annex 15

Extract from a finance book, recovered in M23 position in Tshanzu (photos by the Group of Experts)



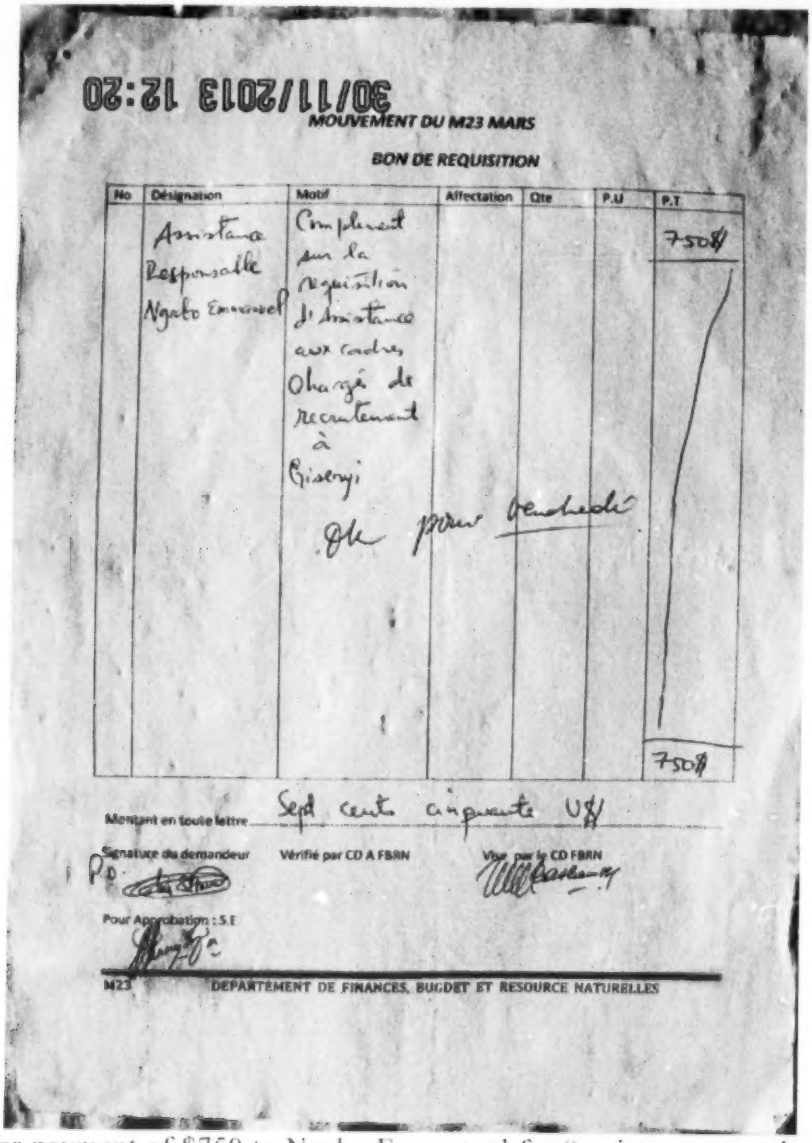
16/07/013	Recettes Nyongera	840	630	0	19491
	Recettes Kiboboo	200	350	0	19641
	Recettes Kibumba	0	0	0	19641
	Recettes Tshangarero	105	79	0	19720
	[illegible]	[illegible]	[illegible]	0	2210
	[illegible] Pour Ravitaillement/ Camarade	0	0	630	2151
	[illegible]	[illegible]	[illegible]	0	2151
	Frais Pour Ration des Malades/ Sick [illegible]	0	0	320	212
	Frais Pour Assistance Sociale / [illegible]	0	0	0	21

	Frais de Motivation Pour Encadrement des Recettes / Poste Rumagabo	0	0	[illegible]	0
	Achat des Pneus Pour des Camion Benz	0	1200	[illegible]	0
	Frais Pour Ration des Cadres en Formation/ Rumangabo	0	0	[illegible]	0
	Frais Pour Ration des [illegible]	0	0	[illegible]	0
	Frais Transport des Recrutes	0	0	[illegible]	0
	Frais Pour Accueillir Les Visiteurs Personnalités/ Marsi Clauste	0	0	[illegible]	0
	Achat Carburant du Generateur [illegible]	0	0	[illegible]	0

Entries show that M23 allocated funds to cover recruitment costs and transport of recruits.

Annex 16

M23 payments for recruitment in Goma and Gisenyi (photos by the Group of Experts)


30/11/2013 12:20

MOUVEMENT DU M23 MARS

BON DE REQUISITION

No	Désignation	Motif	Affectation	Qte	P.U	P.T
	Assistance Responsable Ngabo Emmanuel	Complément sur la requisition d'assistance aux cadres Chargé de recrutement à Gisenyi				750$ / 750$

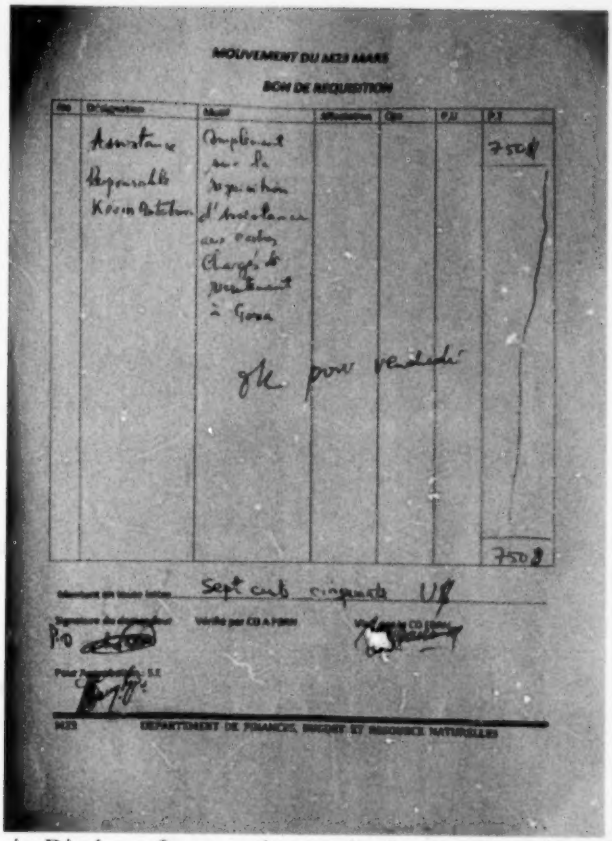
Montant en toute lettre: Sept cents cinquante US$

Signature du demandeur | Vérifié par CD A FBRN | Visé par le CD FBRN

Pour Approbation : S.E

M23 DEPARTEMENT DE FINANCES, BUGDET ET RESOURCE NATURELLES

Authorization for payment of $750 to Ngabo Emmanuel for "assistance to cadres charged with recruitment in Gisenyi [Rwanda]," signed by ErastoBahati, chief of finance for M23.



MOUVEMENT DU M23 MARS

BON DE REQUISITION

Ord.	D'ordre	Motif	Affectation	Qte	P.U	P.T
	Assistance Responsable Kevin Bitabwa	Complément sur la rémunération d'assistance aux cadres Chargés de recrutement à Goma				750$
						750$

Sept cent cinquante US

Signature du demandeur — Visé par CD A PRIM — Visé par le CD [illegible]

M23 DEPARTEMENT DE FINANCES, BUDGET ET RESSOURCE NATURELLES

Payment of $750 to Kevin Bitabwa for recruitment in Goma, signed by ErastoBahati.

1. PROFILE , Date d'entrée 16/March/2013

S/NO:310

RANK: Civil

FULL NAMES: BITABWA ABISI Kevin

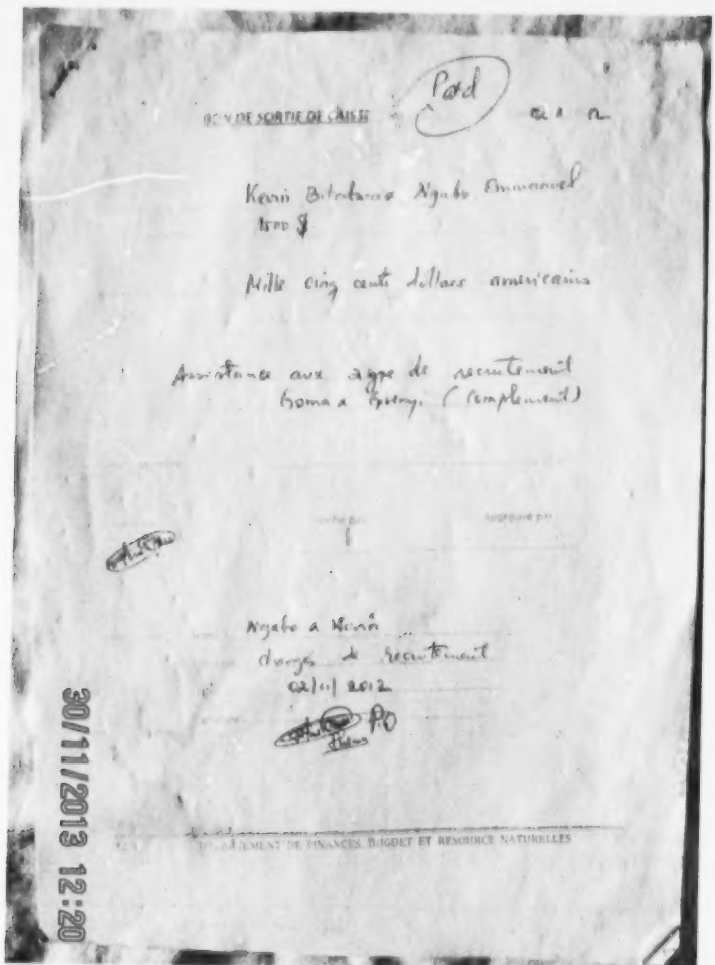
F/NAMES: BITABWA M/NAMES: JSEMITOKWA CELESTINE

APPOITMENT: Conseiller du President en Matiere d'Assurance Qualite

AGE: 28 Ans

ETAT CIVIL : Celibataire Marie(e) à / TEL :

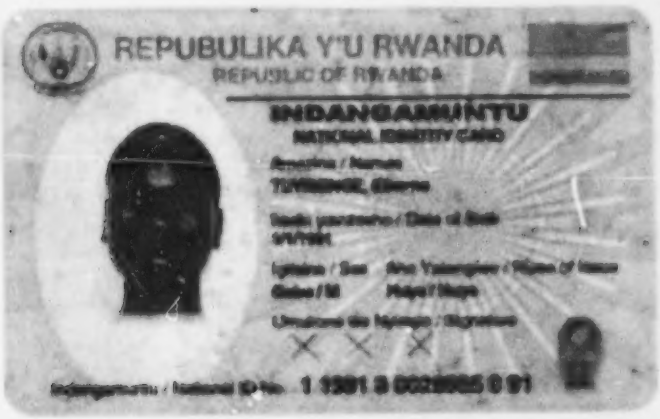
Extract of the profile of Kevin BitabwaAbisi, who surrendered with other M23 combatants and political cadre in March 2013 in Rwanda (Source: Government of Rwanda).



This 2 November 2012 document notes payment of $1,500 to Ngabo (Emmanuel) and Kevin (Bitwaba), for recruitment in Goma and Gisenyi.

Annex 17

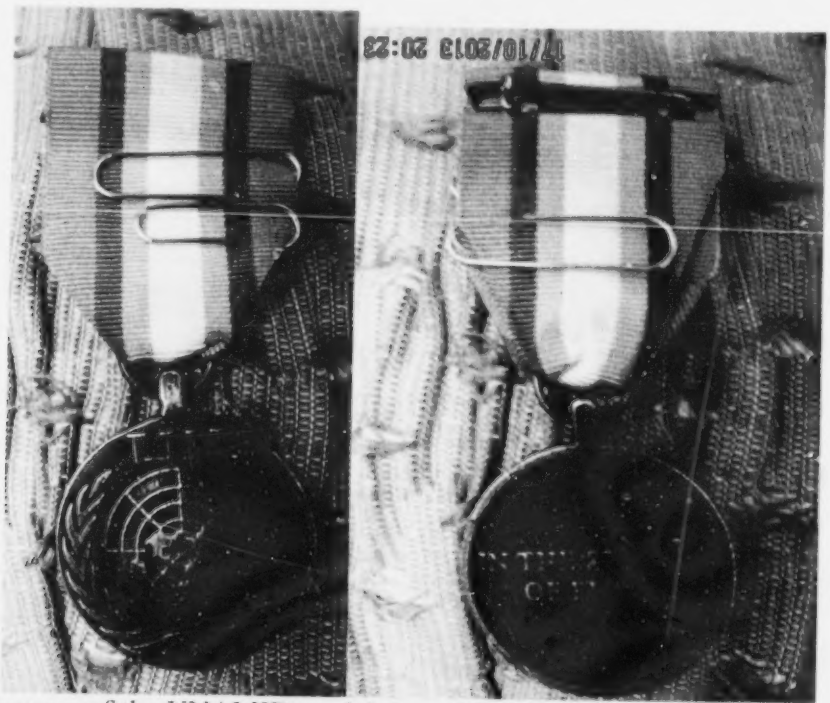
Examples of Rwandan ID cards recovered in former M23 positions (photos provided by MONUSCO)



Annex 18

Rwandan soldier (photos by the Group of Experts)

The Group interviewed a Rwandan soldier who had previously served with the African Union/United Nations Mission in Darfur (UNAMID), during 2012-2013.



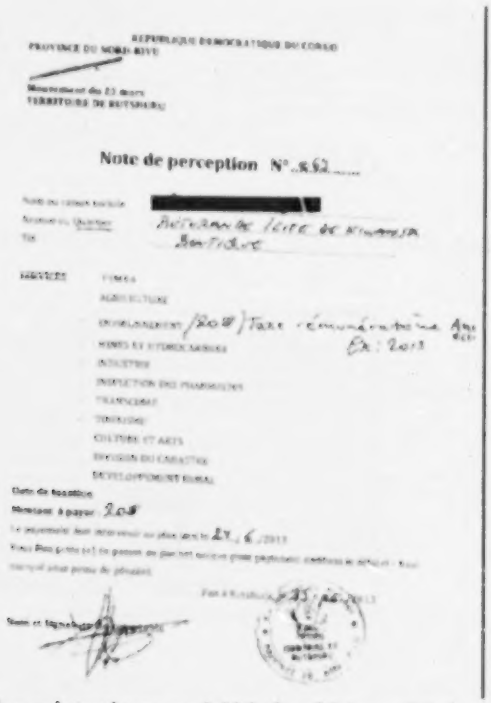
The front and reverse of the UNAMID medal the soldier showed to the Group.

Left: A photo of the soldier in front of the El Fasher (Sudan) fuel depot on 23 November 2012.
Right: The soldier's UNAMID identification card.

Annex 19

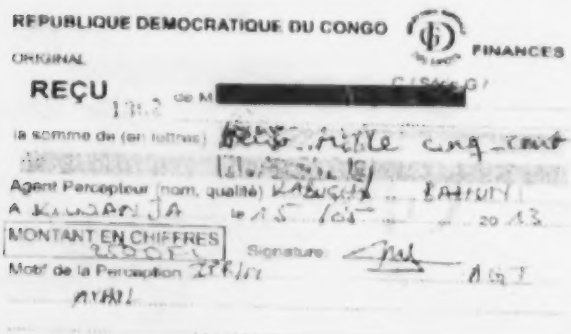
Taxes levied by M23 during its occupation of Rutshuru Territory

The Group collected these receipts from the local population in the M23-controlled zone during August 2013.



Note de perception N° ..562.....

Tax paid by a boutique to M23 for $20 on 24 June 2013.



RÉPUBLIQUE DEMOCRATIQUE DU CONGO

FINANCES

ORIGINAL

REÇU

Agent Percepteur (nom, qualité)

MONTANT EN CHIFFRES

Signature

Motif de la Perception

M23 bill for 2500 Congolese francs ($2.78) paid on 15 May.

REPUBLIQUE DEMOCRATIQUE DU CONGO FINANCES

ORIGINAL

REÇU de M [redacted] Série G /

la somme de (en lettres) Deux mille cinq - cent

Agent Percepteur (nom, qualité) KABUGHO

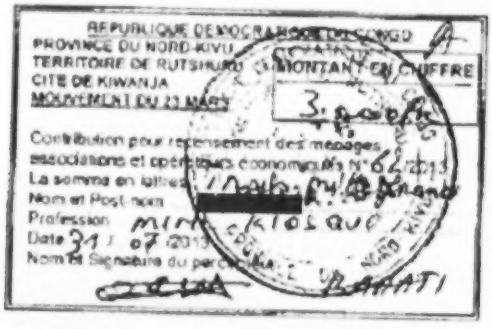
A KIWANJA le 13 10 20 13

MONTANT EN CHIFFRES 2500 FC Signature M23

Motif de la Perception IPR/N

Août AGI

M23 tax paid of 1,500 Congolese francs paid on 13 October 2013.


REPUBLIQUE DEMOCRATIQUE DU CONGO

PROVINCE DU NORD-KIVU

TERRITOIRE DE RUTSHURU

CITE DE KIWANJA

MOUVEMENT DU 23 MARS

MONTANT EN CHIFFRE

3.000 fc

Contribution pour recensement des ménages, associations et opérateurs économiques N° 62/2013

La somme en lettres trois mille francs

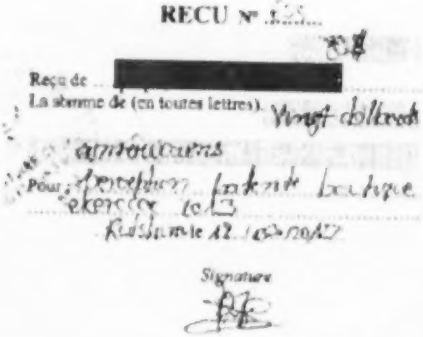
Nom et Post-nom [redacted]

Profession ménagère

Date 31 / 07 /2013

Nom et Signature du percepteur BAHATI

Receipt for M23 tax of 3,000 Congolese francs ($3.33) paid on 31 July 2013. The receipt states that the tax was for a "contribution for a households, associations, and economic operatives."


RECU N° 125

Reçu de [redacted]

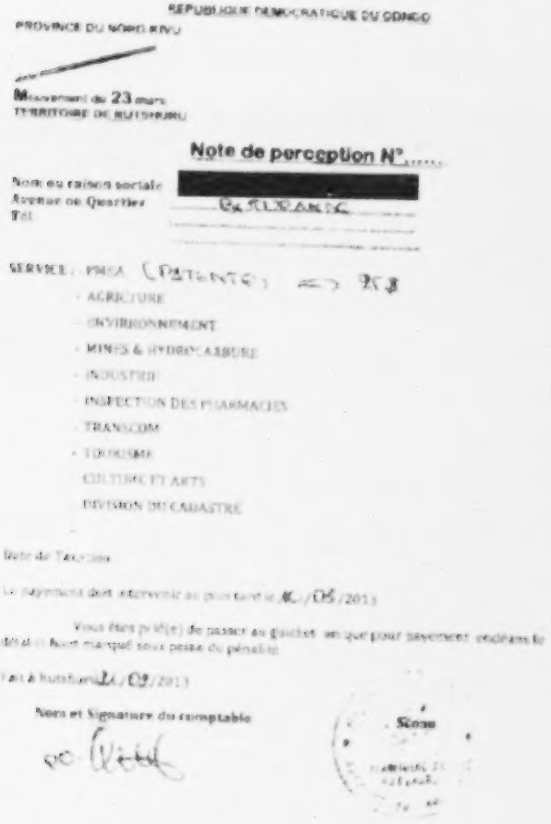
La somme de (en toutes lettres) Vingt dollars américains

Pour [illegible] boutique exercice 2013

Kiwanja le 12 / 03 /2013

Signature

Tax of $20 paid by a boutique to M23 on 12 March 2013.



REPUBLIQUE DEMOCRATIQUE DU CONGO
PROVINCE DU NORD-KIVU
Mouvement du 23 mars
TERRITOIRE DE RUTSHURU

Note de perception N°.....

Nom ou raison sociale [redacted]
Avenue ou Quartier BATWANE
Tél

SERVICE : PMEA (PATENTE) => M23

- AGRICULTURE
- ENVIRONNEMENT
- MINES & HYDROCARBURE
- INDUSTRIE
- INSPECTION DES PHARMACIES
- TRANSCOM
- TOURISME
- CULTURE ET ARTS
- DIVISION DU CADASTRE

Note de Taxation

Le règlement doit intervenir au plus tard le 28/02/2013

Vous êtes prié(e) de passer au guichet ci-dessus pour payement endéans le délai ci-haut marqué sous peine de pénalité.

Fait à Rutshuru le 21/02/2013

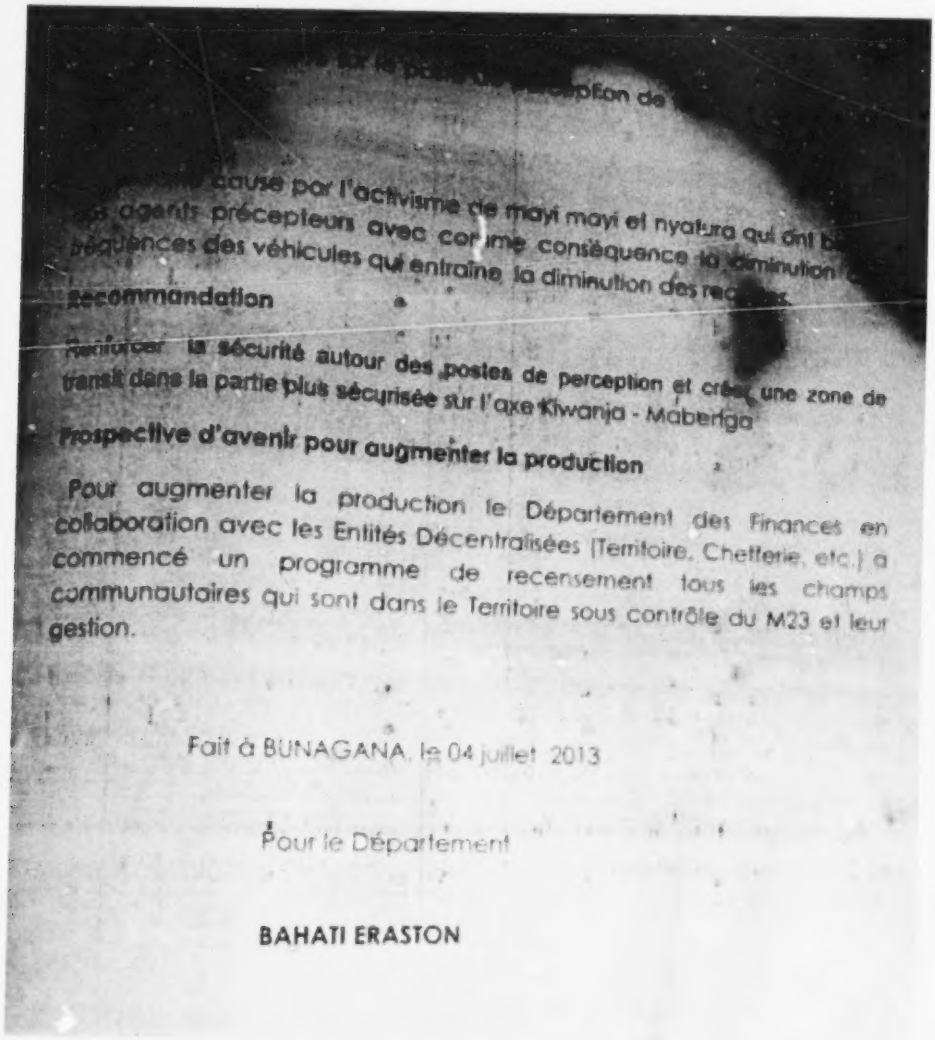
Noms et Signature du comptable

Sceau

Receipt for M23 tax of $25 paid on 21 February 2013.

Annex 20

Memo from ErastoBahati about taxation, July 2013 (photos by the Group of Experts)



...ception de ...

...cause par l'activisme de mayi mayi et nyatura qui ont b...
...agents précepteurs avec comme conséquence la diminution ...
...équences des véhicules qui entraine la diminution des re...

Recommandation

Renforcer la sécurité autour des postes de perception et créer une zone de transit dans la partie plus sécurisée sur l'axe Kiwanja - Maberiga

Prospective d'avenir pour augmenter la production

Pour augmenter la production le Département des Finances en collaboration avec les Entités Décentralisées (Territoire, Chefferie, etc.) a commencé un programme de recensement tous les champs communautaires qui sont dans le Territoire sous contrôle du M23 et leur gestion.

Fait à BUNAGANA, le 04 juillet 2013

Pour le Département

BAHATI ERASTON

Annex 21

DRC lost revenues at the Bunagana border crossing

This report by the Direction générale des douanesetaccises (DGDA), or customs agency, for North Kivu shows the tax receipts for January to June 2012, before M23 took over Bunagana. The figures given are in Congolese francs, which have an exchange rate of approximately 900 FC = $1.

DGDA/NORD-KIVU
INSPECTION DES RECETTES DU TRESOR

RECETTES REALISEES PAR LE BUREAU DE BUNAGANA
PERIODE : JANVIER A JUIN 2012

MOIS	RECETTES CONSTATEES	RECETTES ENCAISSEES
JANVIER	876 042 616,00	748 404 165,00
FEVRIER	565 124 992,00	553 475 272,00
MARS	585 065 026,00	585 065 026,00
AVRIL	481 481 156,00	481 481 156,00
MAI	624 091 733,00	624 091 733,00
JUIN	532 725 364,00	515 678 890,00
TOTAL	3 664 510 837,00	3 508 176 242,00

N.B : Total PV de régularisation cpble fiscalité négative = 156 188 695,00
Total PV d'excédent = 54 050,00

Fait à Goma, le 03 / 08 /2013

L'Inspecteur des Recettes du Trésor,

Laurent TWAMBULUSENI

Annex 22

Statement by sanctioned M23 leader SultaniMakenga, 27 November 2013

Communiqué Officiel N°003/EMG/ARC-M23/2013

L'état-major Général de l'Armée Révolutionnaire Congolaise, ARC en sigle, a été informé de la décision du 17 Novembre 2013 du Président du Mouvement, suspendant le Camarade SENDUGU MUSEVENI et celles du 26 Novembre 2013 suspendant les Camarades KAMBASU NGEVE Jean Serge et MASHAGIRO NZEYI Jérôme de leurs fonctions au sein du Mouvement et du retrait de leur mandat de délégués aux pourparlers de KAMPALA pour leurs actes d'indiscipline et de haute trahison.

Appuyons en ce jour du 27 Novembre 2013 lesdites décisions de notre Président le Camarade Bertrand BISIMWA et lui réitérons notre pleine confiance.

Réaffirmons notre attachement à une solution politique entre le Gouvernement Congolais et notre Mouvement à travers le Dialogue de Kampala, socle d'une paix durable non seulement à l'Est de la République Démocratique du Congo mais aussi dans la Région des Grands-Lacs.

Fait à KANYANJA, le 27 Novembre 2013

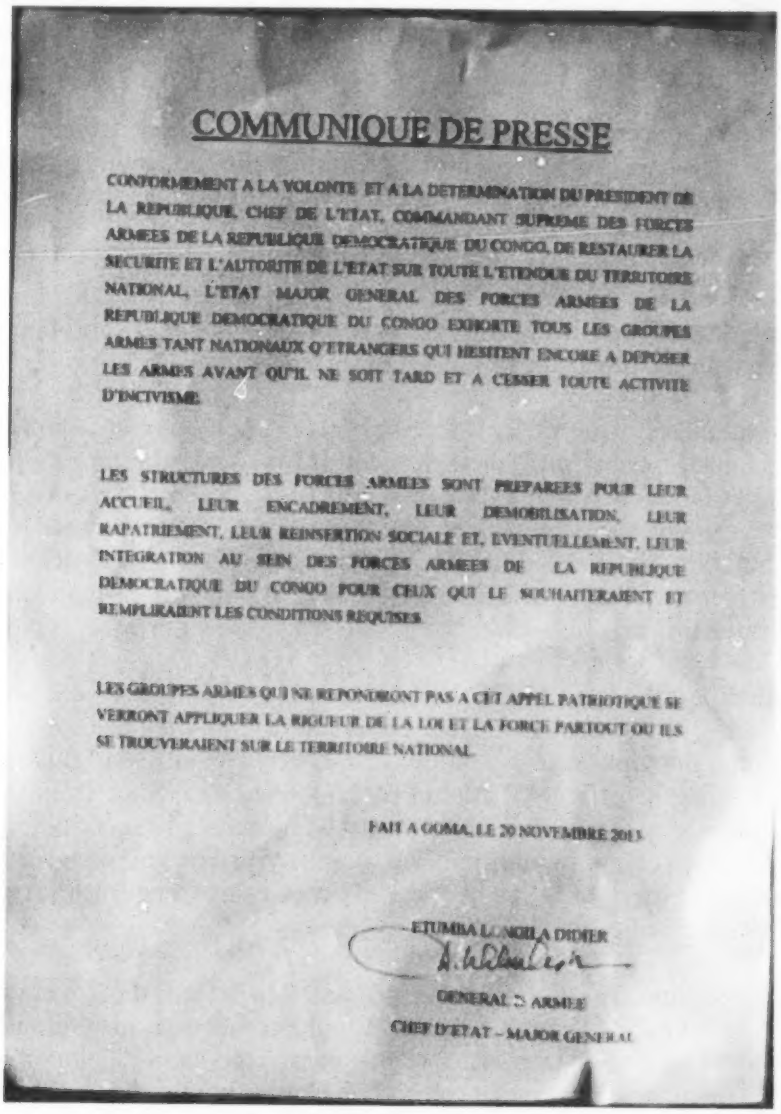
Général de Brigade SULTANI MAKENGA
27/11/2013
Chef d'Etat Major Général

CONTACT
E-mail: mouvement.du23mars@gmail.com
Website: www.m23mars.org

Statement by "General" SultaniMakenga suspending Jean Serge KambasuNgeve and JérômeMashagiroNzeyi for "indiscipline and high treason". The statement is made from Kanyanja, which is a neighborhood in Kampala, Uganda.

Annex 23

Press release issued by FARDC General Chief of Staff Didier Etumba calling upon all armed groups to surrender, 20 November 2013



COMMUNIQUE DE PRESSE

CONFORMEMENT A LA VOLONTE ET A LA DETERMINATION DU PRESIDENT DE LA REPUBLIQUE, CHEF DE L'ETAT, COMMANDANT SUPREME DES FORCES ARMEES DE LA REPUBLIQUE DEMOCRATIQUE DU CONGO, DE RESTAURER LA SECURITE ET L'AUTORITE DE L'ETAT SUR TOUTE L'ETENDUE DU TERRITOIRE NATIONAL, L'ETAT MAJOR GENERAL DES FORCES ARMEES DE LA REPUBLIQUE DEMOCRATIQUE DU CONGO EXHORTE TOUS LES GROUPES ARMES TANT NATIONAUX Q'ETRANGERS QUI HESITENT ENCORE A DEPOSER LES ARMES AVANT QU'IL NE SOIT TARD ET A CESSER TOUTE ACTIVITE D'ENCIVISME.

LES STRUCTURES DES FORCES ARMEES SONT PREPAREES POUR LEUR ACCUEIL, LEUR ENCADREMENT, LEUR DEMOBILISATION, LEUR RAPATRIEMENT, LEUR REINSERTION SOCIALE ET, EVENTUELLEMENT, LEUR INTEGRATION AU SEIN DES FORCES ARMEES DE LA REPUBLIQUE DEMOCRATIQUE DU CONGO POUR CEUX QUI LE SOUHAITERAIENT ET REMPLIRAIENT LES CONDITIONS REQUISES.

LES GROUPES ARMES QUI NE REPONDRONT PAS A CET APPEL PATRIOTIQUE SE VERRONT APPLIQUER LA RIGUEUR DE LA LOI ET LA FORCE PARTOUT OU ILS SE TROUVERAIENT SUR LE TERRITOIRE NATIONAL.

FAIT A GOMA, LE 20 NOVEMBRE 2013

ETUMBA LONGILA DIDIER

GENERAL 5 ARMEE

CHEF D'ETAT – MAJOR GENERAL

Annex 24

Integration challenges: Mai MaiYakutumba

In South Kivu, integration efforts focused on Mai MaiYakutumba, alsoknown as Parti pour l'action et la reconstruction du Congo-Forces armées alléluia (PARC-FAAL), led by "General" William Amuri, alias "Yakutumba".

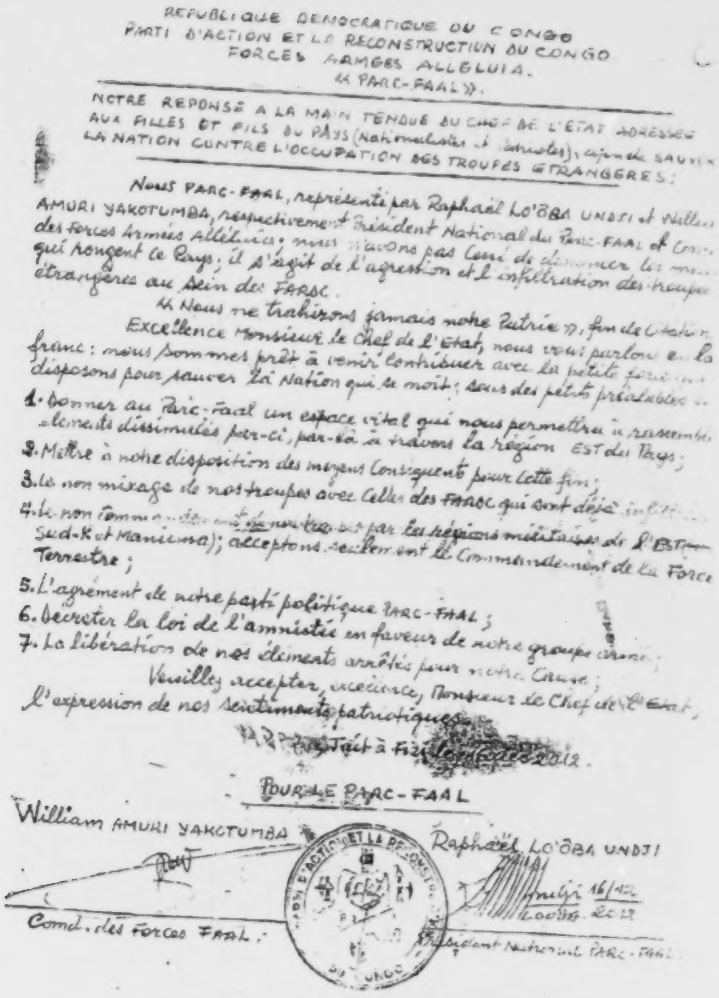
There have long been concerns that Yakutumba has more incentives to continue its rebellion. Indeed, this report, along with past Group of Experts reports, documents Yakutumba's mineral interests as well as support from Kinshasa politicians for him to remain in the bush (see S/2011/738, para. 160).

Yakutumba resisted participation in the brassage process in 2007. In 2009, some of his troops integrated before Yakutumba pulled out of the process in November. Throughout 2012, he was in on-and-off talks with the government about his surrender.

The new integration exercise started in December 2012. The Group obtained a letter signed by Yakutumba and Raphael LoobaUndji, the President of Mai MaiYakutumba's political party, the Parti pour l'action et la reconstruction du Congo (PARC), dated 16 December 2012. The letter was addressed to President Kabila and stated the demands of PARC, as well as offering PARC's services to combat "the infiltration of foreign troops within the FARDC". The demands included a zone where their troops can be assembled, the means to gather these troops, and amnesty for the armed group (see below).

At the time Yakutumba told the FARDC he had 11,000 troops. However the Group estimates that Yakutumba has 300 combatants. The government initially requested that Yakutumba assemble his men for integration in Nyamunyunyi FARDC camp near Bukavu by 5 February 2013. According to FARDC officers, Yakutumba demanded assistance from the government to gather his troops. However, by the due date, there were around 150 men in Sebele, who refused to move to Nyamunyunyi camp. In addition, Yakutumba presented 50 men for FARDC training; these men, according to the FARDC, were not his combatants but freshly recruited civilians, most of whom later deserted.

After the February deadline, Yakutumba requested assistance from the government, which gave him a vehicle at the end of March, during a public meeting also attended by Raphael LoobaUndji, President of PARC (see S/2011/738, para. 164), and "Colonel" AbweMapigano, Yakutumba's former deputy commander (see below). According to testimonies from FARDC, civilian authorities, and local people, Yakutumba collected taxes for his "war effort" in March and April in the Misisi area. Miners, FARDC officers, and a government official told the Group that during that period, Yakutumba collected money from gold mining pits, government agencies, and businessmen, totaling in the tens of thousands of dollars.



REPUBLIQUE DEMOCRATIQUE DU CONGO
PARTI D'ACTION ET LA RECONSTRUCTION DU CONGO
FORCES ARMEES ALLELUIA.
« PARC-FAAL ».

NOTRE REPONSE A LA MAIN TENDUE DU CHEF DE L'ETAT ADRESSEE AUX FILLES ET FILS DU PAYS (Nationalistes et Patriotes), afin de SAUVER LA NATION CONTRE L'OCCUPATION DES TROUPES ETRANGERES:

Nous PARC-FAAL, représenté par Raphaël LO'OBA UNDJI et William AMURI YAKOTUMBA, respectivement Président National du Parc-FAAL et Comd. des forces Armées Alléluia; nous n'avons pas cessé de dénoncer les maux qui rongent le Pays; il s'agit de l'agression et l'infiltration des troupes étrangères au sein des FARDC.

« Nous ne trahirons jamais notre Patrie », fin de citation.

Excellence Monsieur le Chef de l'Etat, nous vous parlons en Français : nous sommes prêt à venir continuer avec les petits garçons que vous disposons pour sauver la Nation qui se noie; sous des petits préalables :

1. Donner au Parc-Faal un espace vital qui nous permettra à rassembler les éléments dissimulés par-ci, par-là à travers la région EST du Pays;
2. Mettre à notre disposition des moyens conséquents pour cette fin;
3. Le non mixage de nos troupes avec celles des FARDC qui sont déjà infiltrées;
4. Le non commandement de nos troupes par les régions militaires de l'EST (Sud-Kivu et Maniema); acceptons seulement le Commandement de la Force Terrestre;
5. L'agrément de notre parti politique PARC-FAAL;
6. Décréter la loi de l'amnistie en faveur de notre groupe armé;
7. La libération de nos éléments arrêtés pour notre Cause;

Veuillez accepter, excellence, Monsieur le Chef de l'Etat, l'expression de nos sentiments patriotiques.

Fait à Fizi le 16 Déc 2012.

POUR LE PARC-FAAL

William AMURI YAKOTUMBA
Comd. des Forces FAAL

Raphaël LO'OBA UNDJI
Président National PARC-FAAL

Letter signed by Yakutumba and Raphael Looba on 16 December 2012

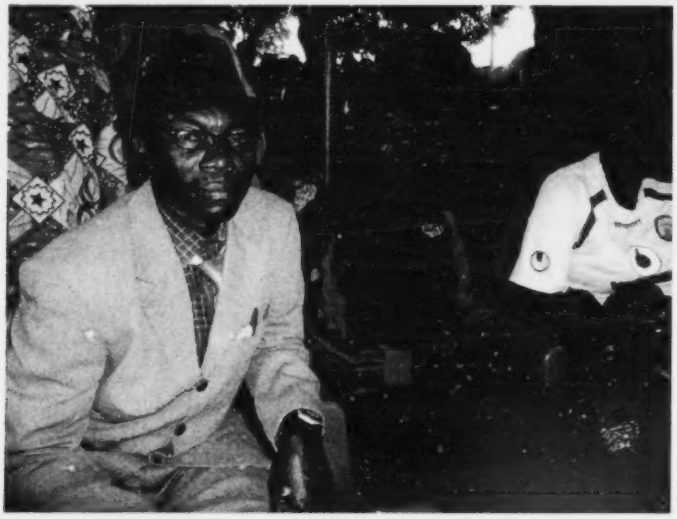
Consistent with his past behavior of claiming he would integrate but failing to do so, on 8 August, Yakutumba launched attacks against several villages and FARDC positions in Fizi territory. Between 8 and 9 August, Yakutumba and the FARDC fought over the control of the villages of Sebele, Malinde and Katanga, near Baraka.

On 12 August, using the opportunity of the visit of the député (MP) Dr. AmbatobeNyangolo, Yakutumba combatants infiltrated Baraka. Early on 13 August, they attacked several points, including FARDC positions. While Yakutumba combatants told the Group the objective of the attack was to free some arrested Mai-Mai, the Deputy Commander of FARDC's 112th Regiment based in Baraka told the Group that Yakutumba planned to take over Baraka to compel the

government to negotiate. FARDC eventually pushed the Mai-Mai out of town and captured more than 70 combatants.

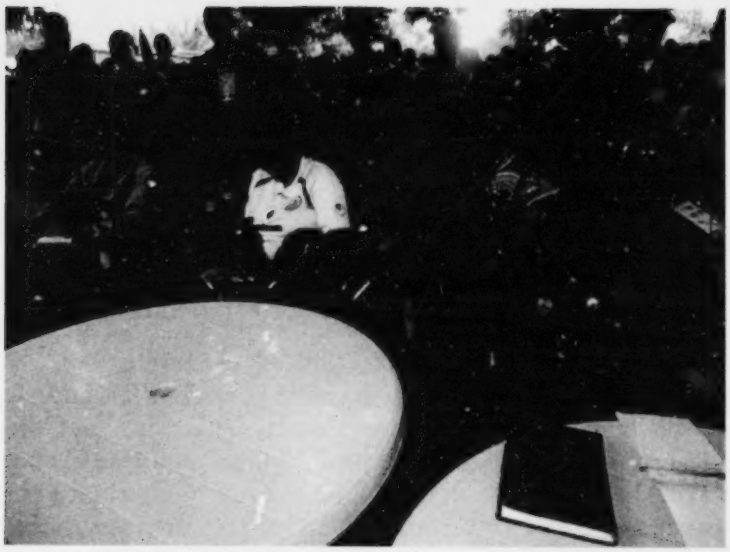
The Group interviewed arrested "General" Aoci, who in June became the second in Command of Yakutumba, replacing AbweMapigano. Aoci explained that Nyangolo was a sympathizer of Yakutumba, along with several politicians in Kinshasa. Indeed, during his visit to Baraka on 12 August, Nyangolo spoke against the government.

In retrospect, the recent failed integration exercise provided an opportunity for Yakutumba to attempt further recruitment, and levy illegal taxes, including on mining areas. The episode raises again the question of the validity of integration exercises for groups that have consistently recanted on their promises and who are actually more akin to criminal groups.



Raphael Looba (in red and black tracksuit) and AbweMapigano (in suit and blue tie) – picture taken in March 2013 by FARDC

Aoci



From left to right: AbweMapigano, Raphael Looba, Yakutumba's wife, and Yakutumba – picture taken in March by FARDC

Yakutumba with the jeep – picture taken in March by FARDC

Annex 25

Integration challenges: Mai Mai in northern North Kivu (photos by the Group of Experts)

During the second half of 2013, the Government of DRC undertook its own integration program for Mai Mai groups in North Kivu's Beni and Lubero territories. This program has been poorly conceived and executed, as demonstrated by the fact that the main Mai Mai leaders have refused to participate.

Starting 6 July 2013, approximately 40 Mai Mai leaders gathered in the town of Butembo, North Kivu. These leaders included "Gen." Kava waSeli, "Col." Aigle Rouge, and representatives from Mai MaiShetani, Mai MaiSimba (Luc Yabili), and several other groups. The Group interviewed sixteen of these Mai Mai leaders, who said they had gathered in Butembo at the request of AbbéMaluMalu, the head of the Congolese electoral commission and political advisor to President Kabila, and local civil society representatives. MaluMalu told the Mai Mai leaders that the DRC Government had created a new integration program, and that Mai Mai groups could either join a new, "special force" to attack M23 and defend North Kivu's borders, or enter civilian life.

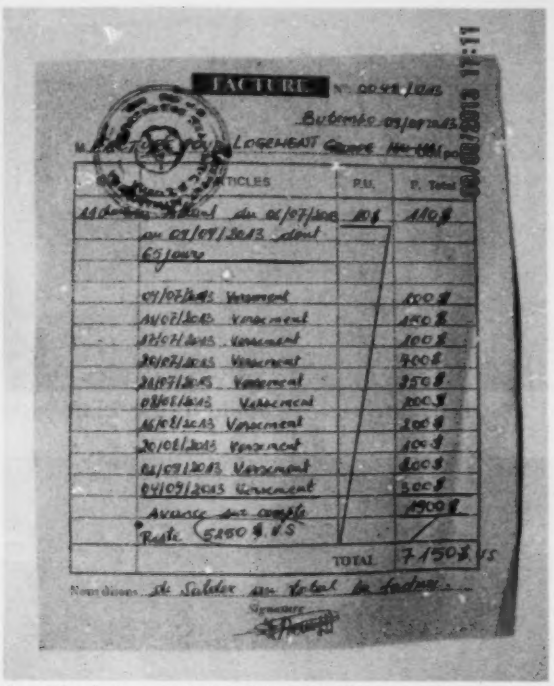
Col. Franck BwamundaNtumba, a military analyst in President Kabila's office, arrived in June at Beni to implement this integration program. Mai Mai leaders in Butembo told the Group in September that they lacked information about the program, and that Col. Ntumba had refused to pay the hotel bills or provide money for food for these leaders (see below). As a result, UN sources and local civil society leaders told the Group that some Mai Maiwere demanding food and money from people in Butembo. Power struggles among the Mai Mai leaders also emerged, and resulted in FARDC arresting, beating, and briefly detaining two of them.

Between July and September, MONUSCO staff in Beni tried unsuccessfully to engage in substantive discussions with Col. Ntumba about the program. When the Group met with Col. Ntumba in September, he told the Group the integration program had no name, and gave confusing and contradictory answers about when the program would begin and how it was structured. He told the Group that "the State" would settle the Butembo hotel bills at some point, but also said that the State might just deduct the amount from the hotel's "unpaid taxes".

On 1 October, Col. Ntumba welcomed 30 Mai Mai leaders at a hastily constructed integration site at Mambango, near Beni (annex Mambango site). Although Col. Ntumba told the Group that only Mai Mai who turned in guns would be accepted at the site, UN sources told the Group that none of the 30 who came to Mambango had any weapons. These Mai Mai were subsequently flown to Kinshasa to integrate into FARDC. The program has no contingency for Mai Mai who seek to return to civilian life.

The Group still has many questions about this program, including its budget, its funder, and even its name. The Group also notes that this program had little impact on the security situation in Beni and Lubero territories, notably because the main Mai Mai leaders in Beni and Lubero

territories – namely Hilaire Kombi, Kakule Lafontaine, and Eric Kenzo – have refused to participate in this program. In early December, MONUSCO sources told the Group that Hilaire and Lafontaine had declared their willingness to negotiate with the government over their fate.

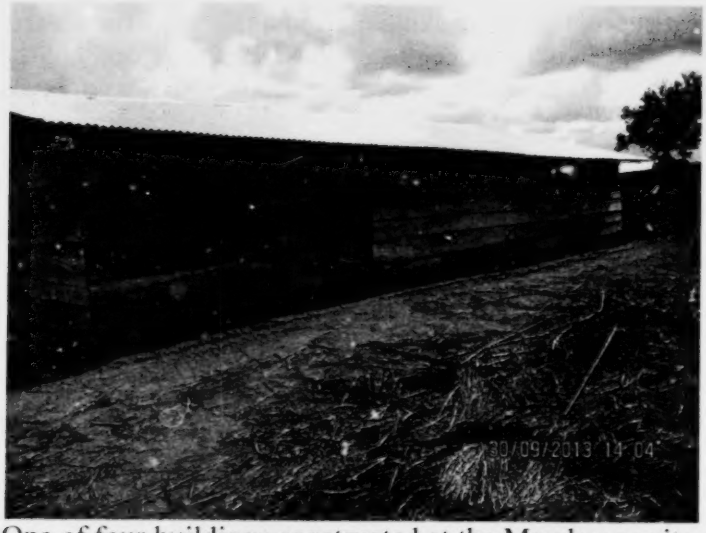


FACTURE

ARTICLES	P.U.	P. Total
Logement du 01/07/2013 au 03/09/2013 soit 65 jours	10$	110$
01/07/2013 Versement		100$
04/07/2013 Versement		150$
12/07/2013 Versement		100$
20/07/2013 Versement		400$
24/07/2013 Versement		350$
01/08/2013 Versement		100$
16/08/2013 Versement		200$
20/08/2013 Versement		100$
02/09/2013 Versement		400$
04/09/2013 Versement		300$
Avance sur compte		1900$
Reste 5250$ US		
TOTAL		7150$ US

A 9 September 2013 bill for "lodging of the Mai Mai group" at CAP Hotel in Butembo shows payments of $1,900 against a balance of $7,150 for 11 rooms (containing 32 Mai Mai leaders) for 65 days. The balance owed to CAP Hotel by the DRC government was $5,250.

Several Mai Mai officers linger in front of rooms at the CAP Hotel, 9 September.



One of four buildings constructed at the Mambango site.

When the Group visited the Mambango site the day before it opened, there was no furniture inside the buildings, no kitchen at the site, and no food for the Mai Mai who arrived the next day.

Annex 26

NdumaDefence of Congo (NDC)

Cahier des Charges outlining NDC's demands prior to integration.

REPUBLIQUE DE MOCRATIQUE DU CONGO.
FORCES ARMEES.
NDUMA DEFFENCE OF CONGO "N.D.C.".
EM.COMDT.

Objet :TRANSIMISSION
CAHIER DE CHARGE
N.D.C.

A Son Excellence Monsieur le Président de la Répı.blique Démocratique du Congo **à Kinshasa.**

Son Excellence ;

Nous Sommes très heureux de nous adresser aup.ès de votre très haute responsabilité pour l'objet en marge.

Cependant, nous vous souhaitons une bonne lecture et une analyse patriotique de notre cahier de charge en annexe.

Veuillez agréer, Son Excellence Monsieur le Président, l'expression de nos sentiments civiques et patriotiques.

Pour le N.D.C.

NTABO NTABERI SHEKA
Gén.Maj.
COMD MVT. N.D.C.

C.C : - Excellence Monsieur le premier Ministre de la République démocratique du Congo **à Kinshasa**.
- Monsieur le président de l'assemblée Nationale de la République démocratique du Congo **à Kinshasa**.
- Monsieur le président du Sénat de la République démocratique du Congo **à Kinshasa**.
- Monsieur le Ministre de la défense Nationale et des Anciens Combattants de la République démocratique du Congo **à Kinshasa**.
- Monsieur le chef d'Etat Major Général de la République Démocratique du Congo **à Kinshasa**.
- Monsieur le Gouverneur de Province du Nord-Kivu **à Goma**.
- Monsieur de l'assemblée provinciale du Nord-Kivu **à Goma.**
- Messieurs les députés élus de la circonscription de Walikale**à Goma**.
- Monsieur le Président de la Société civile du Nord-Kivu **à Goma**.
- Madame l'Administrateur du territoire de Walikale **à Walikale**.
- Monsieur le Président de la société civile de Walikale**àWalikale**.
- Monsieur le président de l'ANATEC/Walikale
- Messieurs les présidents de la Mutualité BUNAKIMA, BEDEWA et UJEWA tous **à Goma**.
- Monsieur le secrétaire Général des Nation Unis à **New-York**.
- Monsieur le Représentant du Secrétaire Général des Nations Unis **à Kinshasa.**
- Monsieur le président de la SADEC.
- Monsieur le président de la CIRGL.
- Monsieur le président de la communauté des pays de grand-Lac (CPGL).
- Monsieur le représentant de la MONUSCO Nord-Kivu **à Goma.**

REPUBLIQUE DE MOCRATIQUE DU CONGO.
FORCES ARMEES.
NDUMA DEFFENCE OF CONGO "N.D.C.".
EM.COMDT.

[redacted]

La République démocratique du Congo connait des serieux problèmes et beaucoup plus particulièrement le territoire de Walikale/Nord-Kivu qui est envahi par les Hutu rwandais appelés FDLR et impitoyablement exploiter aussi piller par les intouchables nationaux qu'internationaux au vu et au su de nos gouvernants et de la communauté internationale.

Le territoire le plus riche de la Province dont sa population demeure extrêmement plus pauvre malgré sa contribution non négligeable de plus de 60% du revenu au budget provincial.

Hélas! La Richesse de Walikale développe les autres milieux alors que la Population locale de base n'a pas accès aux soins médicaux appropriés à l'eau potable, au courant électrique, pas d'écoles et routes macadamisées.

Cette population oubliée, négligée et marginalisée est sacrifiée à la merci de toutes les atrocités des FDLR guidés par nos frères Congolais mal intentionnés et non avertis et aussi appuyés par des mains noires pour réussir leur mission de tuer, violer et piller notre peuple puis exploiter illicitement notre richesse.

En effet, après plusieurs plaidoyers adressés au gouvernement Congolais et à la communauté internationale mais sans succès, avons jugé bon de nous prendre en charge.

Néanmoins, notre pris en charge, loin de vouloir renverser le pouvoir démocratiquement élu, viserait :

1. Combattre les FDLR, après l'échec de plusieurs opérations menées par les FDLR appuyés par la communauté internationale, pour réhabiliter notre misérable population dans ses droits.
2. Lutter contre l'exploitation illicite et anarchique de notre richesse qui remplisse les poches des particuliers pillards et pêcheurs en eau trouble au lieu de contribuer au développement de la nation Congolaise.
3. Aussi lutter contre la moins représentativité à la gestion de la chose publique de l'Etat car c'est inadmissible, inacceptable de produire plus et rester exclu à la gestion de notre production.

Eu égard à tous ceux qui précèdent et croyant à la noblesse de notre lutte ; nous revendiquons auprès de notre gouvernement Congolais et à la communauté internationale ceux qui suivent :

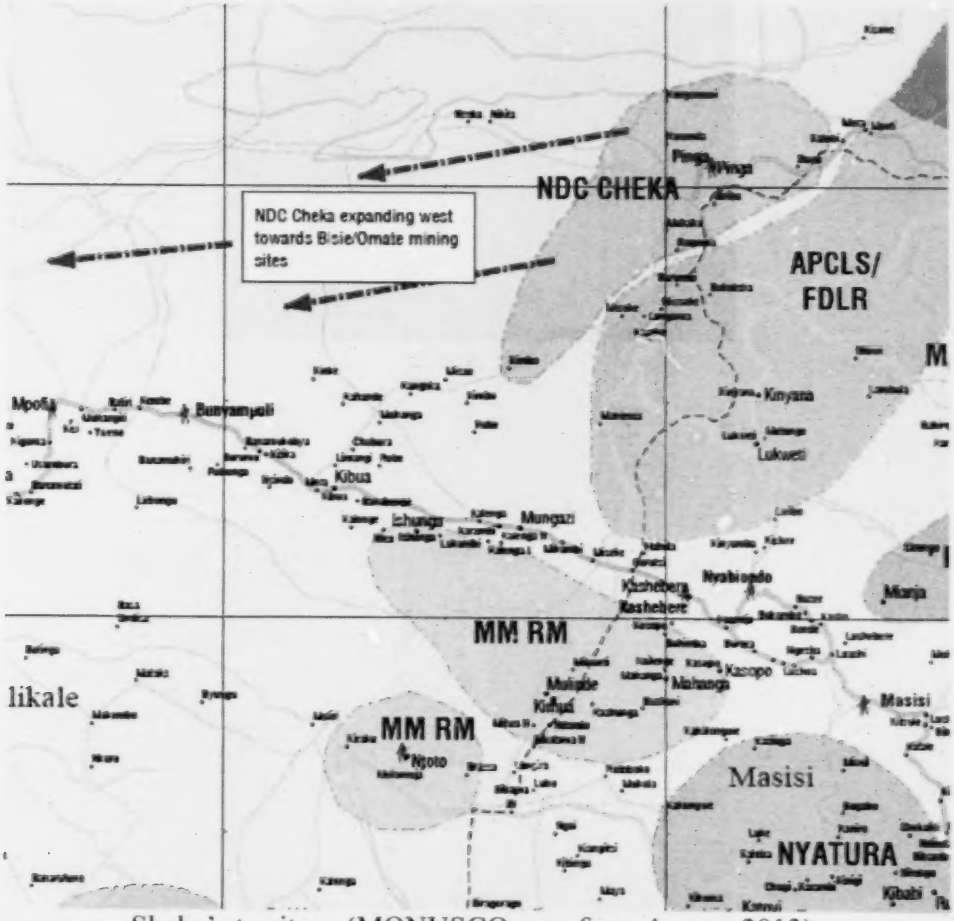
1. L'amnistie de tous les militants du N.D.C., c'est-à-dire annulation de toutes poursuites judiciaires nationales qu'internationales.
2. L'intégration et la reconnaissance des nos grades et fonctions au sein des FARDC et de la PNC pour contribuer à la défense de notre intégrité territoriale et à la protection de notre population et leurs biens.
3. Le déploiement des militants du N.D.C. partout au Congo après le départ du dernier FDLR vers leur pays d'origine et la restauration d'une paix totale et durable à l'Est de la République Démocratique du Congo.
4. L'indemnisation de nos martyrs, veuves, orphelins et la récompenses de notre organisation par le gouvernement et la communauté internationale pour leur "tâche" réalisée par N.D.C.
5. L'assainissement du secteur minier de Walikale et le recrutement des investisseurs sérieux pour préparer l'après mines car les mines sont épuisables et il y a risque de se retrouver avec un Walikale de Bandits dans les jours avenirs.
6. La transformation du N.D.C. en parti politique, la libération de nos capturés et l'intégration de nos cadres politiques et administratifs au sein de notre gouvernement Congolais.
7. Le retour de nos frères réfugiés vivant au Rwanda et ailleurs sur leurs vrais villages d'origines.
8. Par ailleurs, malgré les imperfections au cours de notre lutte, personne n'ignore sauf les ingrats que les causes que nous défendons sont nobles. Ainsi, nous avons aidé notre gouvernement à restaurer son pouvoir sur ses propriétés jadis contrôlées par des étrangers (FDLR).

En fin, cette lutte nous a coûté et nous coûte des incalculables sacrifices humains et matériels ; d'où en contre partie nous implorons au gouvernement et à la communauté internationale de reconnaître nos efforts pour analyser rationnellement nos revendications à tel enseigne que nous puissions tous contribuer à la reconstruction de notre cher et beau pays.

Sentiments patriotiques.

Pour N.D.C.

NTABO NTABERI SHEKA
Gén.Maj.
COMD MVT. N.D.C.



Sheka's territory (MONUSCO map from August 2013).

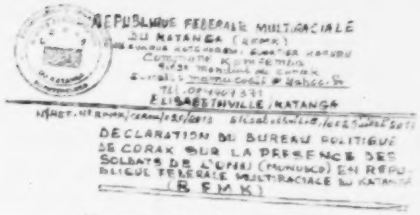
Annex 27

John Numbi(photo from a public source)

John Numbi

Annex 28

CORAK statement, 11 July 2013



REPUBLIQUE FEDERALE MULTIRACIALE
DU KATANGA (RFMK)
[illegible]
Comité Koweitien
[illegible]
E-mail : [illegible]
TEL : 0[illegible]
ELISABETHVILLE / KATANGA

DECLARATION DU BUREAU POLITIQUE DE CORAK SUR LA PRESENCE DES SOLDATS DE L'ONU (MONUSCO) EN REPUBLIQUE FEDERALE MULTIRACIALE DU KATANGA (RFMK)

Le Bureau Politique de CORAK se réunit ce lundi 08 Juillet 2013 sous la présidence de Fernand Mafuta Da Cruz, assisté de la Secrétaire Générale Adjointe, Mme Kalenga L'Eternel Dans le cadre de la République Fédérale Multiraciale du Katanga (RFMK), voici la position du Katanga face aux Katangais :

1. Nous disons en République Fédérale Multiraciale du Katanga (RFMK) et Souveraine que les Katangais sont considérés comme Nation Libre et Indépendante, composée des citoyens katangais nés et établis en vue de combattre le Katangais inné et établi en vue de combattre le Katangais inné et établi en vue de combattre le Katangais inné et établi

ETRANGER ~~[illegible]~~ VIENNENT ENCORE AVEC LES MANOEUVRES DE VOULOIR NOUS ATTRIBUER A LA R.D.CONGO-ET A CE MOMENT LA LES TIBRES KATANGAIS ET TELS LES AUTOCHTONES CHOISIRONT LA GUERRE SANS TENIR COMPTE DU DUBITATIF NI DE QUELCONQUE PRESIDENT ILLEGITIME JOSEPH KANAMBE ALIAS JOSEPH KABILA KABANGE ET LES PAYS QUI SONT LIES QUITTE L'ONU SERONT RESPONSABLES !

VIVE L'ONU POUR LA PAIX DU PEUPLE KATANGAIS !

VIVE LA REPUBLIQUE FEDERALE MULTIRACIALE DU KATANGA (REMK) !

POUR LE BUREAU POLITIQUE DE CORAK

Fait à Elisabethville, le 01 août 2013

1- REN. MATUKA MUNAMA TSHITOMI SIMON, PRESIDENT DE LA REMK FONDATEUR DE CORAK

2- M. KAPEND NTAMD MWAKU, VICE-SECRETAIRE MONDIAL, DELEGUE DES MEMBRES EFFECTIFS DE CORAK ET MINISTRE DE TITRE FONCIER, AFFAIRES, URBANISME ET HABITAT DE LA REMK

3- M. KAPEND M. GUY, PRESIDENT INTERNATIONAL MULTIRACIAL DIAMBE A LA JEUNESSE (CIMAD) ET MEMBRE EFFECTIF DE CORAK, VICE-MINISTRE DES TRANSPORTS ET VOIES DE COMMUNICATION DE LA REMK

4- M. MUKALENG K. ATHANASE, DELEGUE DES ANCIENS DE LA PRESIDENCE DE LA REMK

5- M. KAPUNTH CHARMA A TSHILEMB, MEMBRE EFFECTIF SUPPLEANT DE CORAK ET MINISTRE REGIONAL DU MULTIRACIALISME ET SURETE DE L'ETAT FEDERE MULTIRACIAL DU LUBABA, DIRECTEUR DU BUREAU POLITIQUE DE CORAK

6- M. KATAMBA MUTOMBA MANSE, MEMBRE EFFECTIF ET MINISTRE VICE-DIRECTEUR SECRETAIRE DU BUREAU POLITIQUE DE CORAK.

Annex 29

Kata Katanga attack in Lubumbashi, 29 October 2013 (photos by the Group of Experts)

At approximately 0300 on 29 October 2013, a group of around 40-50 Kata Katanga militants attacked the house of FARDC Military Police Lt. Col. John Kamangu in Lubumbashi. Kamangu lived in a house in front of a former FARDC arms depot in the industrial quarter of Lubumbashi. The Kata Katanga, who were armed with a few guns and many spears and machetes, immediately killed two FARDC guards at the house, and asked another for the whereabouts of Kamangu, who was in the house with his wife and two small children. Kamangu fired his AK-47 at the attackers, which forced them to retreat out of the house. A standoff ensued until approximately 0400, when an FARDC jeep arrived carrying three soldiers. The Kata Katanga shot at the vehicle, killing two of the soldiers. The Kata Katanga then cut off the head of one of the soldiers, and took it with them when they left the scene.

Not long after the FARDC jeep had arrived, a second group of Kata Katanga arrived in a Hiace van, like those commonly used for transport in Lubumbashi. According to Kamangu, these attackers knew the layout of the house and where he was likely hiding. They scattered gasoline through the broken windows at the front of the house and set it on fire. Kamangu helped his wife and children escape from the house, but he remained inside as it burned.

At 0440, a second group of FARDC soldiers arrived on the scene and engaged in a shootout with the Kata Katanga. During this shootout, a second car for the Kata Katanga arrived. When retreating, the Kata Katanga elements put their dead and wounded into the cars and departed. Other militants left on foot, and by 0520, the fight was over. Kamangu emerged from the house unscathed. Based on four military and political sources in Lubumbashi, including Kamangu, the Group considers that four FARDC soldiers were killed, eight FARDC soldiers were wounded in action, at least six Kata Katanga were killed, and that Kata Katanga seized three AK-47s from dead FARDC soldiers. In addition, the house inhabited by Kamangu and his family suffered extensive damage due to the fire and gunshots.

Kamangu and other military officials told the Group they believe Kamangu was targeted because since late 2012, he has had several run-ins with local supporters of Katanga's independence and Kata Katanga. Kamangu told the Group that in March 2013, he had arrested a Kata Katanga member who had sought to buy weapons from FARDC in Lubumbashi. The former arms depot behind Kamangu's house does not appear to have been a target of the Kata Katanga; indeed, FARDC soldiers stationed in the former depot told the Group only one Kata Katanga ventured back there – the rest remained in front of Kamangu's house.

Annex 30

FRPI militia at Aveba (photos provided by MONUSCO and an Aveba resident)

FRPI militia walk by displaced people outside the Aveba MONUSCO base, 28 Aug 2013.

A column of FRPI militia – some in civilian clothes –near the Aveba MONUSCO base.

MONUSCO deployed two APCs (one visible here) and flew a white flag to signal that it was protecting displaced people in front of the Aveba MONUSCO base.

Annex 31

Morgan (leader of Mai Mai Morgan) (photo provided to the Group by Congolese authorities)

Morgan (seated third from left, holding an AK-47) with unidentified men on 8 September 2013 at a gold mining site near Pangoy, Mambasa territory, Ituri District.

MONUSCO sources told the Group that Morgan's force is divided into three groups; one is under Morgan's command, the second under the command of Manu Mboko (see S/2013/433, para. 76), and the third under a man called "Jesus". In early December, MONUSCO reported that "Jesus" was shot dead by one of his own men while trying to prove to his followers that bullets could not harm him.

Annex 32

ADF leaders (photos provided by UN sources)

Jamil Mukulu, overall commander of ADF

MuhammedLuminsa (aka Katusa Mohamed), Director of Training for ADF

David Lukwago (aka Hood Lukwago, Swaibu), former ADF army commander

MuzamirKiribakiKasadha (aka AmisiKasadha), ADF deputy army commander

Elias Segujja (aka Fezza), an ADF military commander

Ahmed Mukwaya, an ADF brigade commander

Jamil Muzanganda, chief of the ADF armory

Annex 33

ADF attack on Nepalese MONUSCO patrol, 14 July 2013 (photos provided by MONUSCO)

At approximately 1100 on 14 July, ADF ambushed a Nepalese MONUSCO patrol on the Mbau-Kamango road. The NEPBATT troops were part of the Bhairabidal Battalion of the Nepalese Army, based at Beni. The patrol consisted of one soft-top Toyota Land Cruiser pickup truck (the lead vehicle), and one armored personnel carrier (APC) (the trailing vehicle). The attack took place just three days after the 11 July attack at Kamango, but FARDC had declared the road open and safe.

At the site of the ambush, approximately 25 km east of Mbau, the attackers opened fire on both vehicles from atop a slope on the north side of the road; the slope continued downhill on the south side of the road. The attackers were using AK-47s and hit both vehicles. Both vehicles tactically reversed, but the pick-up went off the road. Amidst fire from ADF, Nepalese soldiers hooked the APC up to the pick-up, and pulled the stuck vehicle back onto the road. Both vehicles continued to reverse, as the road was too narrow to turn around. After the pick-up went off the road a second time, the soldiers in the pick-up abandoned the vehicle and entered the back of the APC. The APC continued to reverse for another 2 km but became stuck on an uphill slope on a bend in the road (see picture below).

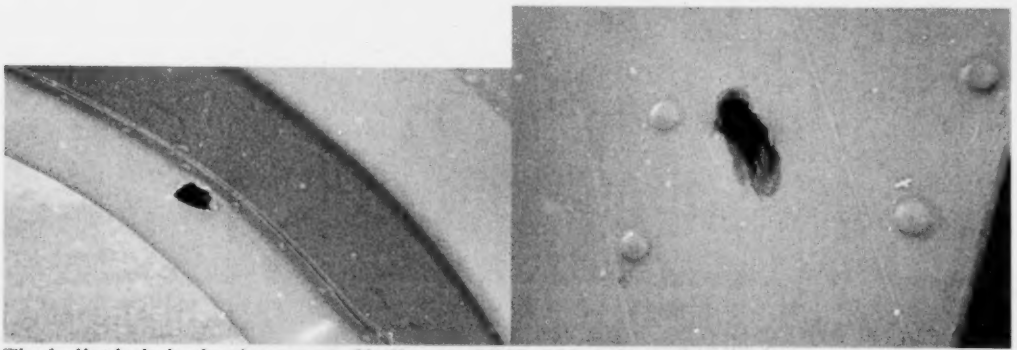
At 1120, a rescue force in 3 NEPBATT APCs was dispatched from Beni. These vehicles reached the site of the stranded APC at 1150. The ADF attackers reached the site of the stranded APC on foot and opened fire on the rescue APCs, hitting two of them. NEPBATT returned fire. The rescue team succeeded in extracting the soldiers from the stranded APC, and withdrew from the site. Three NEPBATT soldiers were injured: one by a bullet wound in the shoulder; one by a bullet wound in the hand; and one with a back injury from a fall during the escape.

A NEPBATT MONUSCO vehicle that helped to rescue the NEPBATT soldiers ambushed by ADF. The vehicle suffered bullet damage.

MONUSCO also dispatched two South African attack helicopters from Goma, which arrived at Mavivi (Beni) airport at 1630 on 14 July. The helicopters flew to the site and saw the APC burning at 1730 (photo below). They returned to Mavivi at 1800.

The NEPBATT armored personnel carrier that had to be abandoned during the attack by ADF elements. A thin plume of smoke is visible rising from the vehicle.

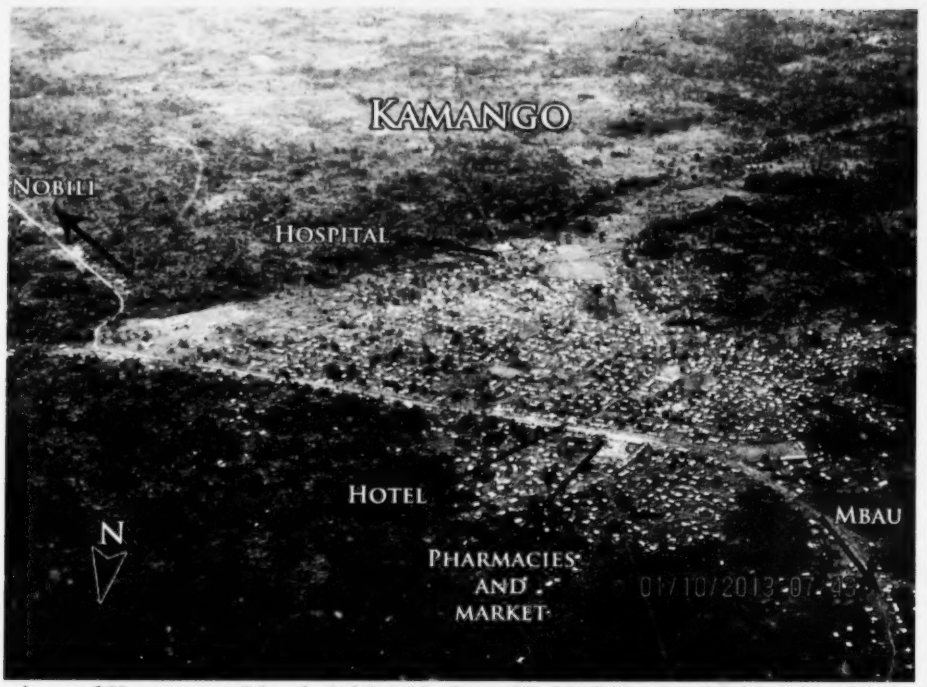
On 15 July at 0900, the two attack helicopters flew back to the ambush area with an Mi-8 helicopter to conduct reconnaissance. As they flew over the site, presumed ADF elements shot at the helicopters, hitting both attack helicopters. One bullet hit the side of one helicopter (UNO-883) on the tire cover, and the second helicopter (UNO-881) was shot in its left wing. Both helicopters landed safely back at Beni.



The bullet hole in the tire cover of helicopter UNO-883 (left), and in the left wing of helicopter UNO-881 (right).

Annex 34

Kamango (all images by the Group of Experts)



Aerial view of Kamango (North 0 39.943, East 29 52.748 – at the Hotel) with key sites identified.

Hotel Muyayo, where MSF staff stayed prior to their abduction.

Kamango Hospital.

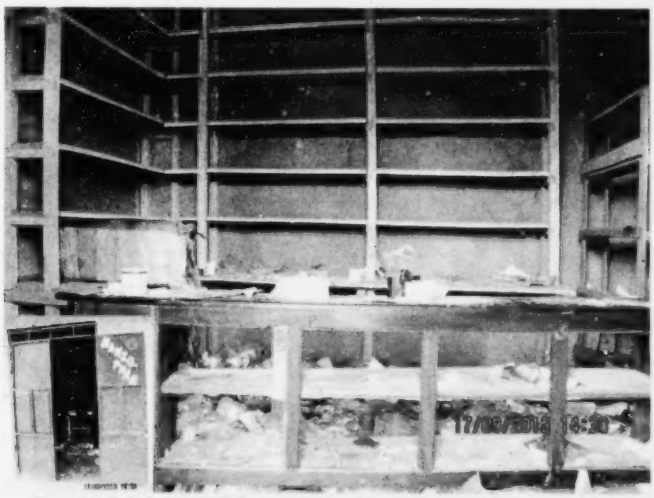
Hospital pharmacy.

Hospital laboratory.

Operating room.

Equipment and supply storage in the operating room.

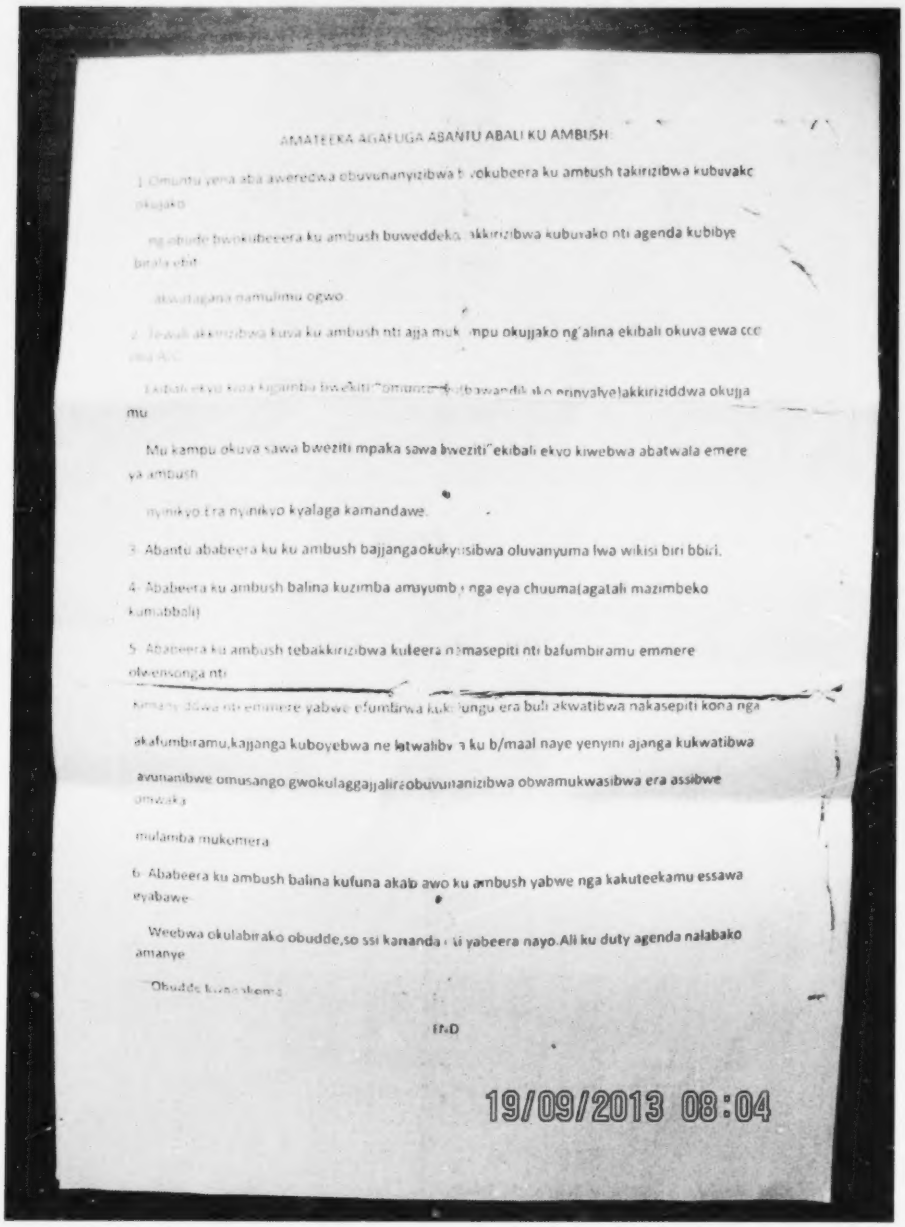
Discarded boxes and unwanted pills mark the site between hospital buildings where ADF piled medicines prior to taking them away in two cars.



Looted Manzo Phar pharmacy, near the market.

Annex 35

ADF ambush instructions, recovered at Kamango, July 2013 (provided by Congolese authorities; translation by private contractor)



AMATEEKA AGAFUGA ABANTU ABALI KU AMBUSH

1. Omuntu yena aba aweredwa obuvunanyizibwa b okubeera ku ambush takirizibwa kubuvako

ng obudde bwokubeera ku ambush buweddeko akkirizibwa kubuvako nti agenda kubibye birala ebit

abaddugana namulimu ogwo

2. Tewali akkirizibwa kuva ku ambush nti ajja muk mpu okujjako ng'alina ekibali okuva ewa ccc

Ekibali ekyo kisa kigumba bweziti "omuvuzi" obawandiki ko erinvalye)akkiriziddwa okujja mu

Mu kampu okuva sawa bweziti mpaka sawa bweziti" ekibali ekyo kiwebwa abatwala emere ya ambush

nyinkyo Era nyinkyo kyalaga kamandawe.

3. Abantu ababeera ku ku ambush bajjanga okukyusibwa oluvanyuma lwa wikisi biri bbiri.

4. Ababeera ku ambush balina kuzimba amayumb nga eya chuuma(agatali mazimbeko kumabbali)

5. Ababeera ku ambush tebakkirizibwa kuleera nsmasepiti nti bafumbiramu emmere olwensonga nti

Amaanu abawa nti emmere yabwe efumbirwa kuk ungu era buli akwatibwa nakasepiti kona nga akafumbiramu,kajjanga kuboyebwa ne lotwalibv a ku b/maal naye yenyini ajanga kukwatibwa avunanibwe omusango gwokulaggajjalira obuvunanizibwa obwamukwasibwa era assibwe omuzaka

mulamba mukomera

6. Ababeera ku ambush balina kufuna akab awo ku ambush yabwe nga kakuteekamu essawa eyabawe

Weebwa okulabirako obudde,so ssi kamanda ali yabeera nayo.Ali ku duty agenda nalabako amanye

Obudde kuno nkoma

EF:D

19/09/2013 08:04

Translation from Luganda:

RULES THAT GOVERN PEOPLE DESIGNATED TO MAN THE AMBUSH:

1. Whoever has been designated to man the ambush is not allowed to abandon that responsibility to tend to personal matters until his designated time has expired.

2. Nobody should abandon his ambush duty to go to the camp unless that person has been written authorization from the CCO or A/C. That authorization will state as follows: "This person (name specified) has been authorized to come to the camp from [specified time] until [specified time]." That authorized person presents the written authorization to the ambush food carriers. Likewise, the authorized person presents the same authorization to his commander.

3. Those designated to man the ambush shall be rotated every two weeks.

4. Those designated to man the ambush shall be responsible for building shelters (the shelters shall only have a roof – no wall).

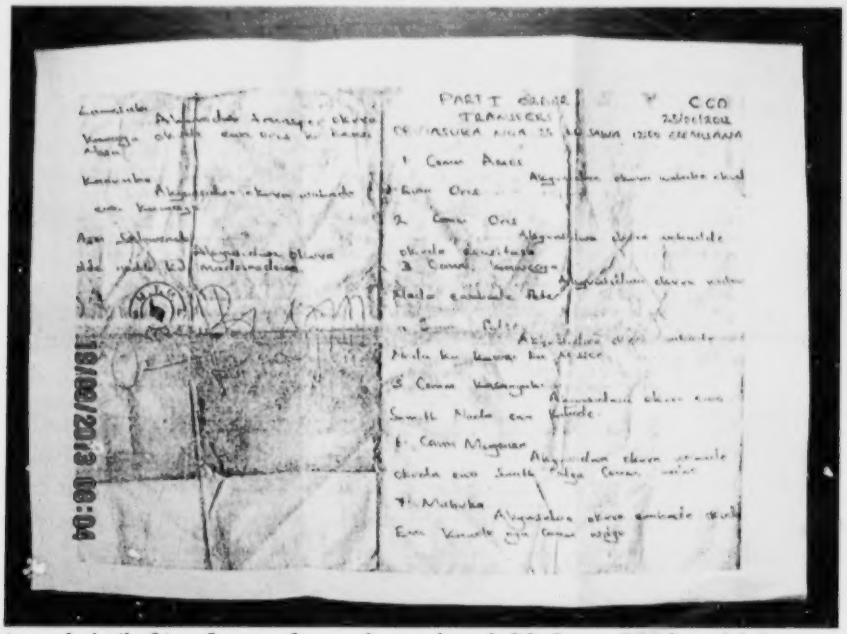
5. Those designated to man the ambush are prohibited from having cooking pots. It is established that their meals are prepared in the kitchen, and whoever is found with cooking pots making meals; shall have the pots confiscated and taken to the b/maal; he shall be arrested and charged with a case of neglecting the responsibility entrusted with him; and shall be jailed for one year.

6. Those designated with manning the ambush are required to find a place near their location where to keep the watch/clock that was given to them so that they can to tell the time; the watch/clock should not be kept with their commander. Whoever is on duty should check the watch/clock to know when they will be relieved.

END

Annex 36

ADF transfer orders recovered at Kamango, July 2013 (document provided by Congolese authorities; translated from Luganda by a private contractor)



Pages 1 (right) and 4 (left) of transfer orders, dated 23 June 2012, which were recovered at Kamango after ADF vacated the town, on 12 July 2013.

Close-up of the stamp appearing on page 4 of the above document. The Group believes M.T.M. stands for MadinatTawheedMuwaheedina, which is the name of ADF's main camp. The raised finger is an Islamic symbol signifying "oneness with God." The Group was not able to determine the meaning of the "S" and "F" on the sides of the stamp, or to ascertain the letters at the bottom of the stamp.

Pages 2 (left) and 3 (right) of the transfer orders.

Translation of above documents from Luganda to English:

CCO
23/06/2012

PART I ORDER
TRANSFERS

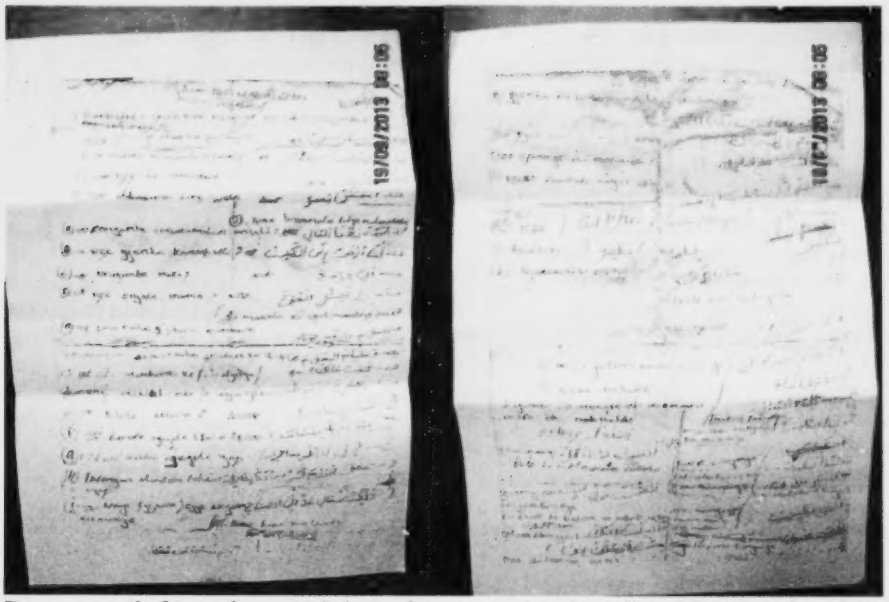
EFFECTIVE 25 JUNE 12.00 NOON:

1. Comm. Amos has been transferred from where he was to where Oris was
2. Comm. Oris has been transferred from where he was to Esasitasa
3. Comm. Kawoya has been transferred from where he was to where Peter was
4. Comm. Peter has been transferred from where he was to Nasser hill
5. Comm. Kasangaki has been transferred from Smith's to Kabode's
6. Comm. Mugonza has been transferred from where he was to where Smith was, he is the new commander
7. Mabuka has been transferred from where he was to Kawolo, he is the new commander
8. Comm. Kawolo has been transferred from Abudi to Nabweeyo's
9. Comm. Wandela has been transferred from where he was to Nabweyo's
10. Musana has been transferred from where he was to Esasitasa
11. Kibadiliko has been transferred from where he was to Tanka's
12. K.D has been transferred from where he was to Nasser hill

13. Nasonyi has been transferred from where he was to Tanka's
14. IssaBakaawa has been transferred from where he was to Esasitasa
15. Akida has been transferred from where he was to Esasitasa – Oris' place/station
16. Buyikwe has been transferred from where he was to Tamusuza's
17. Kavuma has been transferred from where he was to Kabode's
18. Konde has been transferred from where he was to Madowadowa
19. Kasolo has been transferred from where he was to Tanka's
20. Umar Sembuule has been transferred from Tanka's to Smith's
21. Boji has been transferred to Comm. Adra.
22. Lamusubi has been transferred from Kawoya to where Oris was on Nasser Hill
23. Kanumba has been transferred from Kawoya's place where he was
24. Alex Seluwenda has been transferred from where he was to Madowadowa

Annex 37

ADF examination recovered at Kamango, July 2013 (provided by Congolese authorities; translations by private contractor and United Nations)



Page one (left) and two (right) of an examination dated 24 October 2013.

Translation of the Luganda

PAGE 1

Lugi We are in Arabia
Arabic Language

1. What do the following mean in Luganda language?
   a. You play football
   b. A boy and a girl are playing
   c. I am tired
   d. The hospital is far

2. Translate the following in Arabic
   a. A building where money is kept
   b. I am going on an ambush
   c. How can I help you?
   d. I am hungry

3. What do the following mean?
   a. Peace be with you [plural]
   b. And also with you [plural]
   c. What is your condition? [How are you?]
   d. Good with blessings (illegible word) God
   e. Where is Bisase?

f. Why do you want Bisase?
g. Because I want gazi
h. Sorry we do not have gazi today
i. Try to come tomorrow morning

4. Read the following in Arabic
wreading [sic]

PAGE 2

5. Translate the following into Arabic
   a. Go to school sir and learn
   b. [writing is illegible]
   c. You are playing with your child
   d. I am laughing because I passed the exams
   e. I, WE, YOU [singular]
   f. He/she is displaying
   g. I will see you tomorrow

6. Translate the following to Luganda
   a. Pardon me/Forgive me
   b. What is your news?
   c. Let me sleep

7. Which words mean that you are one of us, or not one of us?
   a. I refuse to eat
   b. I refuse to believe in what you say
   c. I have been sent to you
   d. Who has sent you to me?
   e. I am a doctor
   f. We are two doctors
   g. I am a female doctor

Translate the following into Arabic:
1. Sir, go to school and learn
2. Yes I have brought food
3. You are playing with your child
4. I am laughing because I passed the exams
5. ME / WE / YOU (singular) / HE [OR SHE] IS OPPOSING / HE [OR SHE] IS DISPLAYING
6. I will see you tomorrow

Translate the following into Luganda
1. I am sorry (pardon me)
2. Where is your news
3. Let me sleep

Which words mean that you are one of us, or not one of us?
a. I refuse to eat
b. I refuse to believe in what you say
c. I have been sent to you
d. Who has sent you to me?
e. I am a doctor
f. We are two doctors
g. I am a female doctor

Translation of the Arabic

PAGE 1

Question 1

(a) You play with the football.
Translator's note: The first part of this phrase was covered up by the time stamp on the image. It could also possibly be, "I play with the football".

(b) The boy and the girl are playing.
Translator's note: Accurate in meaning and makes correct use of the dual form.

(c) I am tired.

(d) The hospital is far.
Translator's note: The masculine form of the adjective is given when it should be the feminine.

Question 2

(a) The house kept the money.

(b) I am going to the ambush.

(c) May I help you?
Translator's note: The expression used is a colloquial one.

(d) I feel hunger.
Translator's note: It seems that the examinee attached part of the definite article "al", which affixed to the next word, to the end of the verb "ahissu", thereby making the conjugation incorrect. The examinee also did not include the required preposition.

Question 3

(a) Peace be with you.
Translator's note: The form given is the correct form for addressing both individuals and groups.

(b) And also with you.
Translator's note: The form given is the correct form for addressing both individuals and groups.

(c) How are you?

(d) I am well, praise be to God.
Translator's note: Incorrect diacritics are used with the word "hamd" (praise) and a required preposition is not affixed to the word "Allah" (God).

(e) Where is Bisasu?

(f) Why do you want Bisasu?
Translator's note: Without the question in English, it would have been impossible to decipher the handwriting for this answer.

(g) Because I want naghazi.
Translator's note: Same as above.

(h) I am sorry, we have no naghazi today.

(i) But come tomorrow morning.

PAGE 2

Question 5

(a) I go to school in order to study.
Translator's note: The first part of this phrase was covered up by the time stamp on the image.

(b) Yes, I like food.

Translator's note: This is my best guess. The writing is practically illegible.

(c) You play with your child.

(d) I am laughing because I passed the exam.

Translator's note: The required preposition "fi" (in the) is missing in the Arabic.

(e) You (*masculine singular*), we, I (*masculine singular*).

(f) He blasphemes, he appears/displays (*masculine singular*), he appears/displays (*masculine singular*).

Translator's note: The first instance of "he appears/displays" in the Arabic is incorrectly vowelized.

(g) I will see you tomorrow.

Translator's note: The word "tomorrow" in the Arabic is incorrectly vowelized.

Question 6

(a) Pardon me.

(b) What are your news?

(c) Let me sleep.

Question 7

[right-hand column]

(a) I am the doctor.

(b) You (*feminine dual*) are the doctors (*feminine plural*).

Translator's note: The word "doctors" in the Arabic is not in the correct form. It should be in the feminine dual.

(c) You (*plural*) are the doctors.

(d) You (*feminine singular*) are the doctor (*masculine singular*).

(e) We are the doctors.

[left-hand column]

(f) Sentence.

(g) I want [?] to eat.

Translator's note: I am not sure which verb is being used here. If it is in fact the verb "to want", then the examinee used a colloquial verb. Otherwise, I do not recognize the word. In addition, "to eat" is misspelled.

(h) I refused [illegible].

(i) I have been sent to you.

(j) Who has sent you to me?

Annex 38

FDLR leaders (UN sources)

Overall military commander of FDLR, "Maj. Gen." SylvestreMudacumura.

First FDLR Division Commander "General" PacifiqueNtawunguka, aka Omega.

Annex 39
FDLR press release, November 2013

FDLR press release requesting the DRC Government to not use force, and to prioritize negotiations, 12 November 2013.

- FDLR -

FORCES DEMOCRATIQUES DE LIBERATION DU RWANDA
DEMOCRATIC LIBERATION FORCES OF RWANDA
URUGAGA RUHARANIRA DEMOKARASI NO KUBOHOZA U RWANDA
Homepage: www.fdlr.org

PRESS RELEASE NR. 001/SE/NOVEMBER/2013 OF THE FDLR

The Democratic Forces for the Liberation of Rwanda (FDLR) is an opposition politico – military Movement, to Kigali's Rwanda Patriotic Front (RPF) political regime. FDLR works for justice, peace, genuine reconciliation and socio – economic development of Rwandan people.

FDLR is an answer to oppressed Rwandan people that have been marginalised and excluded from the Rwandan citizenry, and consequently have made a coalition as both to defend and protect themselves against RPF – INKOTANYI regime which has been endeavouring to exterminate them.

FDLR has both the duty and moral obligation of fighting for both refugee rights and protection of thousands of Rwandans, survivors of unprecedented and vile killings perpetrated by Rwandan Patriotic Army (RPA – armed wing of RPF then) since the 01st October 1990 up to date, both inside and outside Rwanda. Hence FDLR elements are freedom fighters.

FDLR has been supporting (and will always do) up to date each single initiative intended to seek a long – lasting and negotiated political solution to complex and problematic conflicts within the African Great Lakes Region in general and in Rwanda in particular.

FDLR has never spared any effort in the process of searching and finding a long – lasting and pacific solution within the African Great Lakes Region, among others by means of quartering its 2500 of its troops in Kamina Military base (Democratic Republic of the Congo – DRC) in 2001 and the destruction of their respective weaponries in 2002, which effort was crowned by the attack and death of some of its combatants as well as the forced repatriation of others.

On one hand, FDLR's commitment of converting the armed struggle into a political struggle as agreed in Rome in March 2005 failed as result of lack of appointing an international committee which would have had a mandate to monitor and evaluate the implementation of the Rome agreement in question; and sporadic armed attacks perpetrated against FDLR on the other hand.

Other ghosts of solutions had been recommended by the international community but without any outcomes. Of such, were for instance:

- The Regional Conference on Peace within the African Great Lakes Region in December 2004, in Dar – es – Salaam, which strongly suggested that all involved States had to resolve their respective internal conflicts by peaceful means.
- The United Nations (UN) Security Council recommends the diplomatic and political approach as to put an end to the state of insecurity which has been ravaging the east of DRC: now Rwanda and this UN entity are in too good terms to abide by this recommendation.

- The plenary congress of Spanish Parliament, gathered on 31st May 2007, had not only explicitly expressed their support to the process of Rwandan dialogue, but also has urged the European and Spanish authorities to support the initiative.
- DRC's Members of Parliament from North Kivu, while addressing the UN Security Council delegation in Kinshasa, have strongly recommended that Kigali regime be put under high pressure as to compel it to sit around a political dialogue table with its armed and non – armed opposition.

- Likewise, at the 21st Summit of the African Union, in Addis - Ababa, on the 26th May 2013, His Excellency the President of Tanzania brought up a very wise and constructive idea, namely opening a dialogue between Rwanda and FDLR, in view to finding a pacific and long – lasting political solution, within the African great Lakes Region at large and in Rwanda in particular. While waiting for the materialisation of this noble suggestion in question, by whom it may concern, FDLR has humbly saluted the idea and explicitly expressed their heartfelt gratitude towards the author thereof.

FDLR has ever had any intention whatsoever (and will never have any) of leading a war against DRC's government, neither against DRC citizens, whom it considers its own brothers.

It's worth it recalling that Rwandan refugees, survivors of massacres perpetrated by RPF – INKOTANYI against them have been in good and smooth relationship with their DRC hosts up to date.

If those Rwandan refugees are still scattered within the dense forests of the eastern DRC and are not yet willing to go back to their motherland, it is because of the total insecurity and the abuse of human rights such as the suppression of ethnical self- identity (which is an utopian policy since ethnical membership is a natural phenomenon): killings; kidnappings; unfair justice system; arbitrary imprisonments; incarceration of opposition political parties' leaders; the non – respect of the rights and liberties of the human person (lack of right of expression and political opinion; lack of political democracy as opposition political parties are denied the right to register; impoverishment of grass roots population; social inequalities; etc.) perpetrated by President Paul KAGAME's regime, which has been on power in Rwanda, up to date.

FDLR reiterates again and requests from the International Community in general and from the UN Intervention Forces in support of DRC's Armed Forces (FARDC) and from the DRC government, not to use forces, but rather prioritise the pacific and negotiated political means; reason for which FDLR advocates a dialogue with the government of Kigali, to be facilitated by the African Union. The political dialogue between Kigali's government and FDLR is the only way to reach a long lasting peace in Rwanda in particular and in the African Great Lakes Region in general.

FDLR would love to convey its heartfelt gratitude to all stakeholders who are directly or indirectly involved within the process of seeking and reaching long – lasting peace within the east of DRC.

Masisi, the 12th November 2013

Sincerely,

Colonel Wilson IRATEGEKA

For FDLR

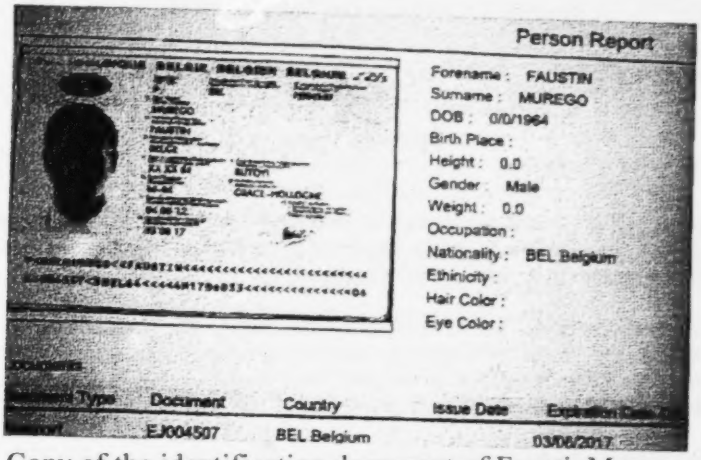
Executive Secretary, ad interim

Telephone: +24 381 145 2213 Email:fdlrsrt@gmail.com

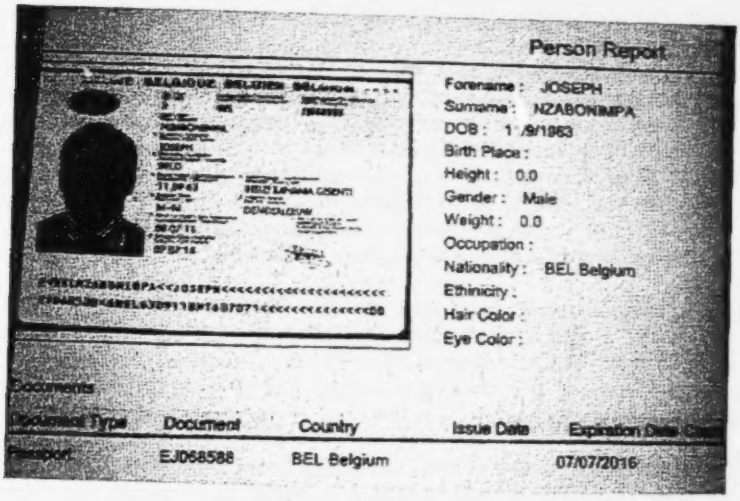
or humura 2020@gmail,com

Annex 40

FaustinMurego and Joseph Nzabonimpa(provided to the Group of Experts by the Government of Rwanda, 30 September 2013)



Copy of the identification document of FaustinMurego.



Copy of the identification document of Joseph Nzabonimpa.

Annex 41

Meeting notes dated 31 January 2013 and signed in Dar Es Salaam by "Gen." DeogratiasNzeyimana alias Bigaruka and regarding the demobilization of child soldiers

PROCES VERBAL

Le 31 janvier deux mille treize à 15 heures, à Dar es Salaam a eu lieu une réunion pour étudier le thème « enfants associés aux forces armés et aux groupes armés », ici appelé « enfants soldats ».

Les participants étaient : Mme Milfrid Tonheim, Mr. Kåre Lode, Mr. Faustin Murego, Mr. Joseph Nzabonimpa, Mgr Bulambo Lembelembe Josué, Maître Dieudonné Kyalangalilwa, le Général Déogratias, Commandant Second des FOCA/FDLR.

Mr. Kåre Lode du Centre pour la Communication Interculturelle (SIK) en Norvège a présidé la réunion.

La réunion a été ouverte par une prière. Ensuite Mme Milfrid Tonheim a fait une présentation surtout basée sur les Principes de Paris de 2007 sur les enfants soldats avec référence aussi au Chartre africaine des droits et du bien-être de l'enfant. Elle a appliqué ces documents à la situation à la RDC qu'elle connaît bien, car elle est consultante depuis 2008 à un grand projet décentralisé de réinsertion des enfants soldats au Nord Kivu et au Sud Kivu. Elle a dirigé un projet de recherche conjoint entre le SIK, l'Université Evangélique en Afrique et l'Université Officielle de Bukavu, les deux sis à Bukavu en RDC, sur « la réinsertion des enfants soldats, surtout les filles ». Le résultat sera publié dans quelques mois à l'Editions Harmattan à Paris.

Elle a souligné que dans toutes les situations le bien être de l'enfant prime sur toutes autres considérations. L'enfant a le droit de vivre avec ses parents, mais l'enfant a aussi un droit d'aller à l'école et avoir accès aux soins médicaux. Il y a aussi autres aspects à considérer. Le résultat de ce processus peut varier.

Le Commandant Second des FOCA/FDLR a invité Mme Milfrid Tonheim, Mr. Kåre Lode, Mr. Murego Faustin, à se rendre sur le terrain et à visiter différents sites pour évaluer la situation. Toute personne qui répond aux critères d'un enfant soldat peut quitter l'unité pour profiter à un programme de réinsertion, qui dans la mesure du possible, se fera à un lieu en RD Congo qui permet à l'enfant à vivre dans une famille.

L'équipe qu'elle dirige peut contenir deux enfants soldats, une fille et un garçon, qui a réussi le processus de réinsertion, interprète et autre personne ressource. Le nombre total ne doit pas dépasser six personnes.

Les enfants soldats dans l'équipe sont importants, surtout pour convaincre les filles qu'il est possible de reprendre une vie normale.

Il n'est pas possible de savoir d'avance combien d'enfants qui répondent aux critères d'un enfant soldat. Me Milfrid Tonheim et Mr. Kåre Lode s'engagent à chercher le financement de ce projet. Au Nord Kivu et au Sud Kivu, il y a du personnel expérimenté disponible pour prendre en charge au moins 1000 enfants, la grande majorité sont des hommes. Mme Milfrid doit faire des stages pour former quelques femmes pour ce travail.

Le Commandant Second des FOCA/FDLR propose que le processus commence à Goma aussi vite que possible, si possible déjà au mois d'avril et accepte d'assurer la sécurité de toute l'équipe engagée dans ce projet.

Fait à Dar es Salaam, le 31.01.2013

Général Déogratias,
Commandant Second des FOCA/FDLR

Kåre Lode
Chef d'équipe

Annex 42

Where Bigaruka stayed in Dar es Salaam (photo by the Group of Experts)

Reverend Christopher Mtikila's residence in Dar Es Salaam, Tanzania, where FDLR second in command Gen. DeogratiasNzeyimana, alias Bigaruka, stayed.

Annex 43

RUD leaders (photos provided by the UN)

Overall leader and commander of RUD, "General" Musare, aka Johnson Burasa. His real name is Jean Damascene Ndibabaye.

"Colonel" Jean-Michel Africa, second in command of RUD and its operations commander.

"Major" Bitanganya, chief adjutant of RUD.

Annex 44

LRA Security Incidents, January – November 2013

Table 1. Security Incidents, January – November 2013, Haut-Uele and Bas-Uele districts, Orientale Province, DRC

	Attributed to LRA			Attributed to Others		TOTAL	
Source	OCHA	MONUSCO Military *	Invisible Children **	OCHA ***	MONUSCO Military *	OCHA	MONUSCO Military *
January	10	22	27	8	5	18	27
February	14	13	27	3	6	17	19
March	30	24	20	10	12	40	36
April	10	12	14	4	11	14	23
May	13	13	12	5	2	18	15
June	7	6	13	5	8	12	14
July	13	14	23	4	10	17	24
August	5	14	12	7	5	12	19
September	11	7	13	3	6	14	13
October	8	5	6	1	8	9	13
November	-	14	16	-	-	-	14
TOTAL	**121**	**144**	**183**	**50**	**73**	**171**	**217**
PERCENT OF TOTAL	**71%**	**64%**	-	**29%**	**36%**	**100%**	**100%**

*Includes input from U.S. AFRICOM. These figures include incidents deemed to have a "low", "medium", or "high" probability of having been committed by the LRA. In addition, they do not include LRA sightings or encounters. November data is through 18 November.

**Includes input from Invisible Children's radio network. These figures include incidents deemed to have a "low", "medium", or "high" probability of having been committed by the LRA. Invisible Children provided the Group with information only about presumed LRA incidents. The incidents include cases in which people escaped from the LRA; people were released by the LRA; people were attacked, abducted, and/or looted by the LRA; and LRA sightings or encounters. November data is through 19 November.

***OCHA – Others: Non-identified armed group – 33; FARDC – 2; Mbororo – 10; Garamba park rangers – 1 (against poachers).

Table 2. Nature of Presumed LRA Security Incidents, January – October 2013 (extracted from OCHA and MONUSCO Military reports)

Month	Pillage (number of incidents) (OCHA)	Killed (number of persons)		Abducted (number of persons)		Wounded (number of persons) (OCHA)	Sightings or Encounters (no pillaging, abductions, casualties) (OCHA)
		OCHA (military and civilians killed)	MONUSCO Military** (civilians killed)	OCHA*	MONUSCO Military** (held less than 48 hours)		
January	5	-	11	14	7	-	1
February	12	8	3	12	1	-	1
March	21	5	7	16	1	2	2
April	6	1	2	1	-	2	-
May	4	3	2	3	2	3	4
June	4	-	-	3	1	-	1
July	8	-	-	15	-	-	3
August	4	-	-	-	-	1	-

September	5	-	-	5	-	3	2
October	5	-	1	4	-	-	3
TOTAL	**74**	**17**	**26**	**9**	**12**	**11**	**17**

*According to OCHA and other United Nations' sources, as well as local leaders in Dungu, most of the abducted are taken to carry looted goods from the site of an attack, or subjected to questioning, and then released by the LRA within a few hours or days.

** Includes input from U.S. AFRICOM.

N.B. – In some cases, more than one infraction happened in the same incident; e.g. goods were pillaged and people were kidnapped. In these cases, multiple types of incidents were recorded separately, i.e. a pillage incident was recorded, and the number of people kidnapped was also recorded.

Table 3. Summary of LRA incidents in which people were killed, January – October 2013
(extracted and translated by the Group from OCHA reports)

Date	Location	Description	Number killed by presumed LRA attack
Beginning of February	Gwane, Ango territory	Armed men who resembled LRA elements attacked nine Mbororo, who were coming back from Mboki in CAR and passing near Gwane in Sassachefferie. One sole survivor is now at Dakwa (85km north of Ango).	8
15 March	Bagugu (15km E of Doruma), Dungu territory	Some businessmen found four bodies on the road, around 10 abandoned bicycles that had been looted of their cargo. The other 6 people were presumed to have been kidnapped. **Info given by only one source** [emphasis in original].	4
21 March	Route 4, Dungu territory	Presumed LRA attacked an FARDC position along Route 4. One FARDC soldier was killed.	1
1 April	Market of Mbomu (27km N of Niangara), Niangara territory	During the night of 1-2 April, presumed LRA attacked the market of Mbomu locality. One businessman was killed and a lot of merchandise was looted and carried into the bush.	1
11 May	35km N of Dungu	One decaying body was found in the forest between Limay and Kiliwa. The discoverers identified the body as a moto-taxi driver from Duru. His motorcycle was abandoned and hidden not far from his body. The traces of three people were present at the site; this suggested that it was a crime because three presumed LRA had shot at a man in the same region (7 km S of Kpaika, 75 km N of Dungu), but the man had escaped.	1
18 May	Garamba National Park	Park rangers opened fire on 16 LRA elements because they thought they were poachers who had come to kill an elephant. During the shooting, 2 girls (kidnapped in February 2013 at Lindimbia, 25 km NW of Bangadi) were killed, and one LRA element, a man aged 18, was wounded in the arm and both legs.	2
TOTAL			17

Table 4. Invisible Children, presumed LRA incidents in DRC, ranked by probability of having been carried by LRA, January – October 2013

	Low		Med		High		TOTAL	
	IC	MONUSCO Military	IC	MONUSCO Military	IC	MONUSCO Military	IC	MONUSCO Military
January	6	17	17	5	4	0	**27**	**22**
February	12	8	10	2	5	3	**27**	**13**
March	4	15	13	9	2	0	**19**	**24**
April	4	3	5	3	5	6	**14**	**12**
May	1	5	4	1	7	7	**12**	**13**
June	4	1	7	5	1	0	**12**	**6**
July	3	2	14	6	6	1	**23**	**9**
August	4	4	4	5	3	2	**11**	**11**

September	4	5	8	5	1	0	**13**	**10**
October	3	4	2	3	1	0	**6**	**7**
November*	5	0	6	2	5	12	**16**	**14**
TOTAL	**50**	**64**	**90**	**46**	**40**	**31**	**180**	**141**

NB – There were three unranked incidents in the Invisible Children data, which took place 6 March, 29 June, and 21 August.

*November data is provisional. For IC, data is through 19 November; for MONUSCO it is through 18 November.

Table 5. Invisible Children presumed LRA incidents in CAR, DRC and South Sudan, ranked by probability of being carried out by LRA, January – October 2013

	Low	Medium	High	TOTAL
January	7	20	7	**34**
February	15	16	9	**40**
March	7	16	4	**27**
April	7	5	11	**23**
May	3	5	9	**17**
June	10	10	6	**26**
July	3	15	9	**27**
August	5	4	3	**12**
September	4	9	2	**15**
October	3	4	4	**11**
November*	6	7	8	**21**
TOTAL	**70**	**111**	**72**	**253**

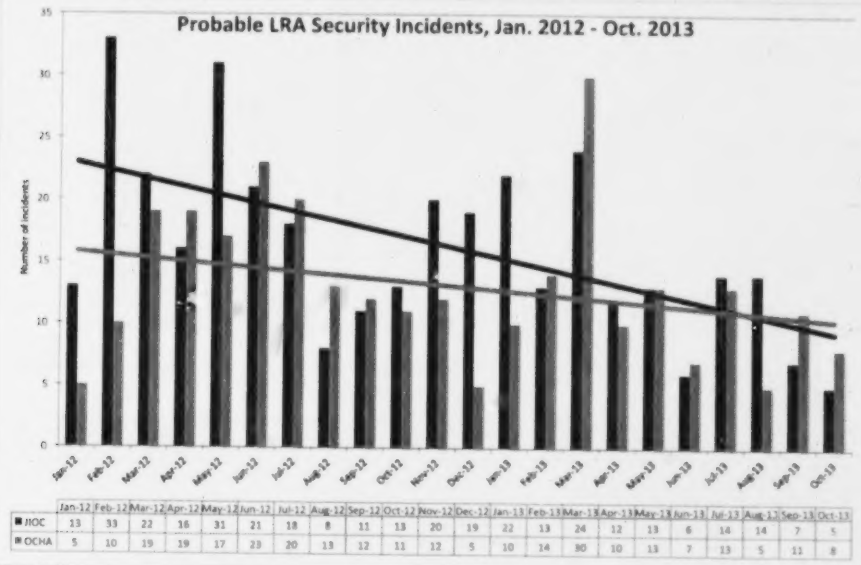
NB – There were six incidents not ranked in the Invisible Children data, which took place 2 January, 18 February, 23 February, 6 March, 29 June, and 21 August.

*November data is provisional, and through 19 November.

Annex 45

Probable LRA Security Incidents, Jan. 2012 – Oct. 2013 (assembled by the Group from UN sources)

Graph 1. Probable LRA security incidents, January 2012 – October 2013



Top (black) trend line is for MONUSCO Military data; bottom (grey) trend line is for OCHA data.

Table 1. Probable LRA and Other security incidents, January 2012 – November 2013

(assembled by the Group from OCHA and MONUSCO Military data)

	Probable LRA incidents				Other security incidents				Total			
	2012		2013		2012		2013		2012		2013	
	OCHA	UN Mil	OCHA	UN Mil	OCHA	UN Mil	OCHA	UN Mil	OCHA	UN Mil	OCHA	UN Mil
January	05	13	10	22	16	22	8	5	21	35	18	27
February	10	33	14	13	21	32	3	6	31	65	17	19
March	19	22	30	24	7	15	10	12	26	37	40	36
April	19	16	10	12	0	18	4	11	19	34	14	23
May	17	31	13	13	6	21	5	2	23	52	18	15
June	23	21	7	6	8	19	5	8	31	40	12	14
July	20	18	13	14	2	13	4	10	22	31	17	24
August	13	8	5	14	3	7	7	5	16	15	12	19
September	12	11	11	7	3	4	3	6	15	15	14	13
October	11	13	8	5	7	5	1	8	18	18	9	13
November*	12	20	-	14	7	14	-	-	19	34	-	14
December	05	19	-	-	10	7	-	-	15	26	-	-
TOTAL	**166**	**225**	**121**	**144**	**90**	**177**	**50**	**73**	**256**	**402**	**171**	**217**

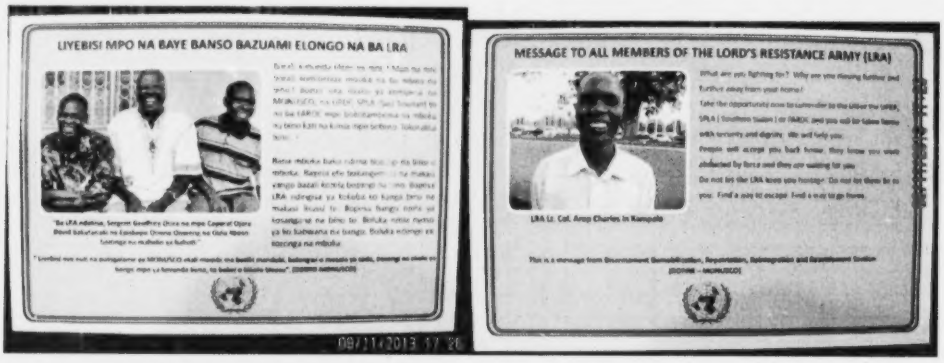
*November 2013 data is provisional and through 18 November.

Annex 46

LRA "surrender" and "bounty" fliers, 2013

MBANO
Gouvernement ya Etats-Unis d'Amérique ezali ekopesa mbongo epai ya bato oyo bakoya na information ekosalisa bato kokanga bato oyo :
Joseph Kony, Okut Odhiambo, mpe Dominique Ongwen. Mbongo oyo ekoki kopesama ekoki kozala ata $5.000.000 (USD). Mbongo wana ekoki kokomisa libota lya yo libota lya mosolo mingi mpo na libela.
Babali oyo bazali babomi (criminels) mpe bakonzi ya ba LRA. Boloko International oyo babengi (Cour Pénale Internationale) ezali koluka bango mpo na mabe oyo ya koboma bato na ndenge ya mabe tango ya bitumba. Soki ozali na information na esika oyo bato oyo bazali, benga numéro oyo. to ~ebisa moto moko ya gouvernement ya Etats-Unis.
Numéro yango oyo:
+243-(0)81-715-2501
to +243-(0)82-481-9841
United States Department of State
Office of Global Criminal Justice
War Crimes Rewards Program
KONY
ODHIAMBO
ONGWEN

U.S. State Department flier advertising a $5 million reward for the arrest, transfer, or conviction of LRA leaders Joseph Kony, OkutOdhiambo, and Dominique Ongwen. The State Department announced this award in May 2013.

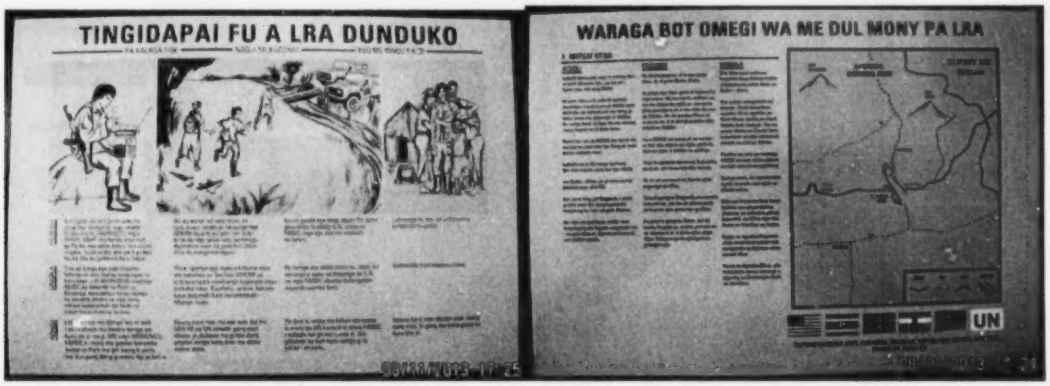

LIYEBISI MPO NA BAYE BANSO BAZUAMI ELONGO NA BA LRA
MESSAGE TO ALL MEMBERS OF THE LORD'S RESISTANCE ARMY (LRA)
LRA Lt. Col. Anop Charles in Kampala

MONUSCO flier (front and back) that encourages LRA to surrender.

The American non-governmental organization Invisible Children told the Group it has printed more than 1.2 million fliers since 2011 that encourage LRA to surrender. In 2013 alone, Invisible Children printed 400,000 such fliers. Invisible Children, working along with

AFRICOM, has air dropped approximately 300,000 such fliers during 2013, focused mostly inside Garamba park, in the areas south of Zemio in Bas Uele, and along the border between CAR and DRC. In addition, Invisible Children has given approximately 100,000 such fliers to MONUSCO, which has airdropped them in DRC. The cards are printed on card stock with a plastic coating so that they do not easily biodegrade or tear. The fliers are printed in the Acholi, Lingala, and Pazande languages.

Small Invisible Children flier (front and back) encouraging LRA to surrender.



Large Invisible Children flier (front and back) encouraging LRA to surrender.

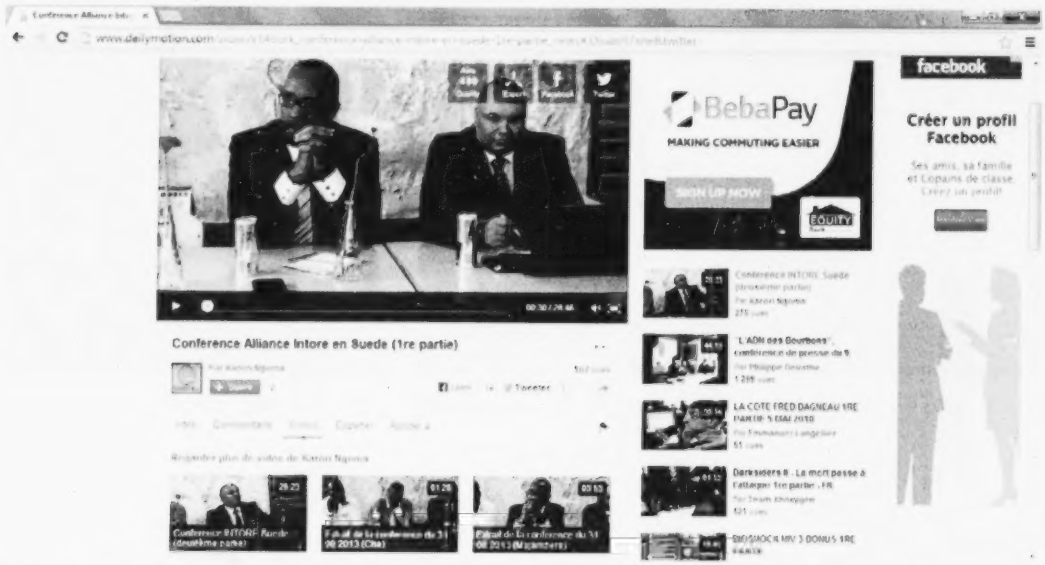
Annex 47

Front du peuple murundi/Alliance Intore

As previously reported (see S/2012/843, paras. 70-76; S/2013/433, para. 115), in May 2013, the Front du peuplemurundi/alliance divine pour la nation (FPM/ADN), a group of 40 Burundian Tutsi soldiers, became part of the Alliance Intore.

Another alliance – with the *Mouvementcongolais pour le changement* (MCC), an M23 ally in South Kivu, led by "Col." Bede Rusagara – ended after FARDC attacked Bede in Mutarule between 13 and 16 August. After the attack, the FARDC captured 14 Burundian FPM combatants, signaling the end of the armed group.

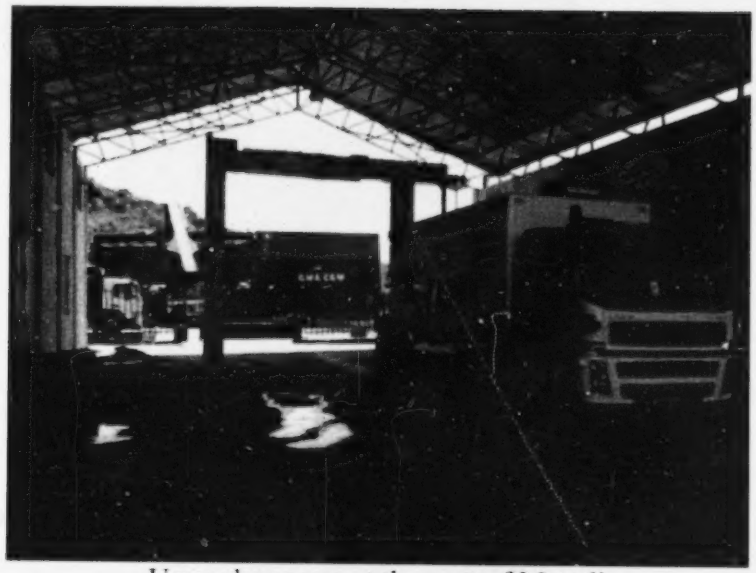
The political activities of the Alliance Intore "commander in chief", Guillaume George Majambere, who currently resides in Belgium (see S/2012/843, para. 114), have continued. On 31 August, the Alliance Intore held a conference in Sweden. According to a Burundian diplomat, such gatherings are also used to raise funds.



Still from a video of an Alliance Intore conference in Sweden, showing Majambere.From http://www.dailymotion.com/video/x146ork_conference-alliance-intore-en-suede-1re-partie_news#.UiodeR7xRe8.twitter, accessed 7 November.

Annex 48

Scanners at Matadi port

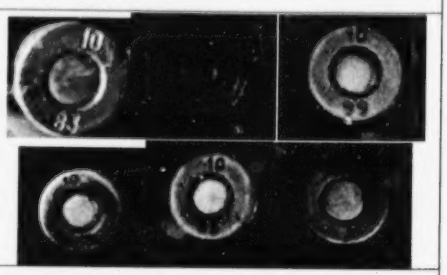
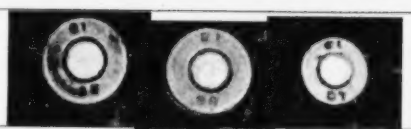
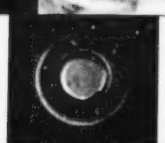
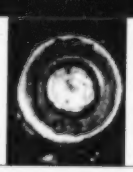


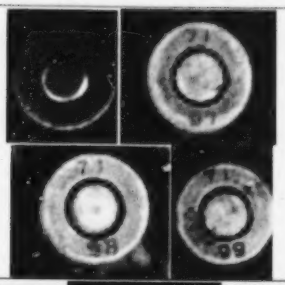
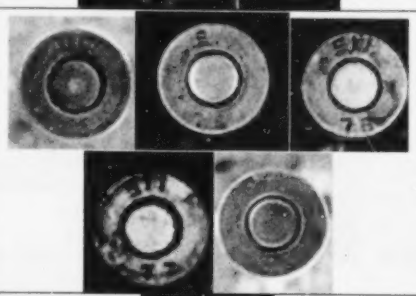
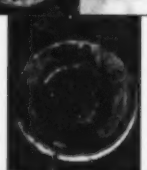
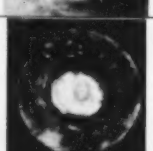
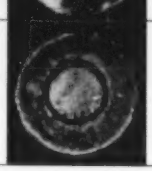
Unused scanner at the port of Matadi

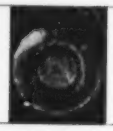
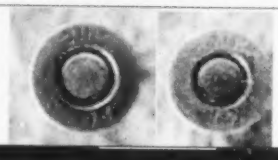
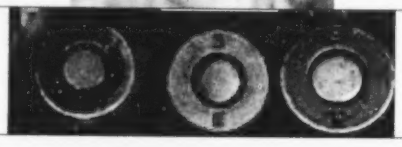
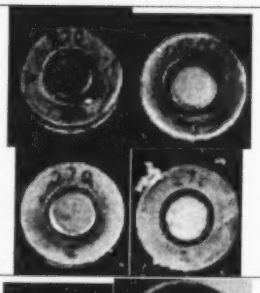
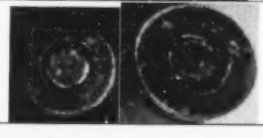
A new scanner loaded on a stationary truck at the port of Matadi

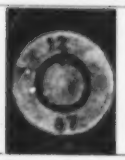
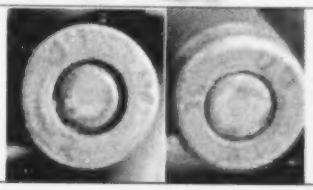
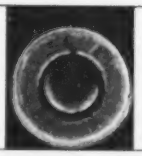
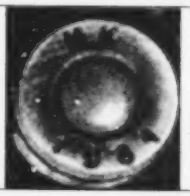
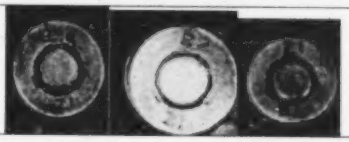
Annex 49

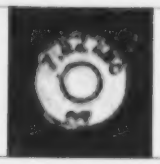
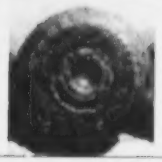
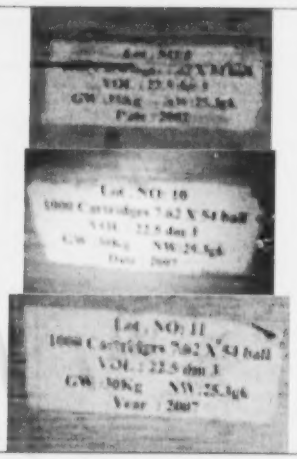
Ammunition found in DRC by the Group during 2013

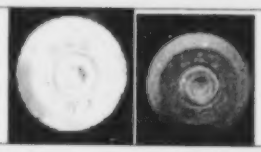
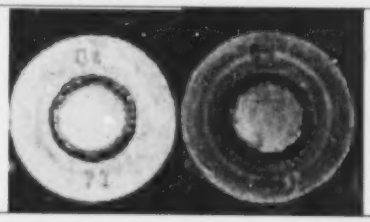
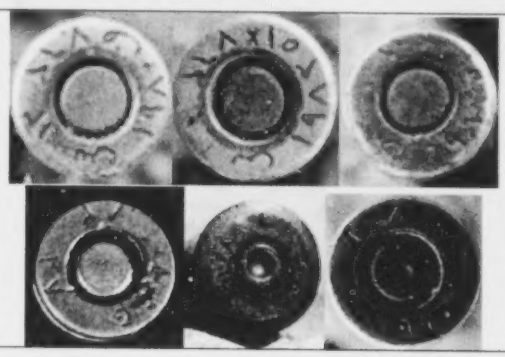
Country / Factory code(s)	Year(s) of production	Headstamp markings and photo(s)
Calibre 7.62x39mm		
Bulgaria		
10	1966 1983 1987 1995 1999 2000	
China		
61	1996 1998 2007	
78	1986	
811	2006 2007 2008	
311	2006	
821	2007	

71	1995 1997 1998 1999	
911	1972 1975 1976 1977 1978	
81	1976	
501	1977	
211	1975	
121	1971	

North Korea		
93	1983	
Former USSR (Russia)		
711	1975 1983	
3	1973	
Former USSR (Ukraine)		
270	Unknown	
539	1951 1985	
Israel		
TZ	1979	

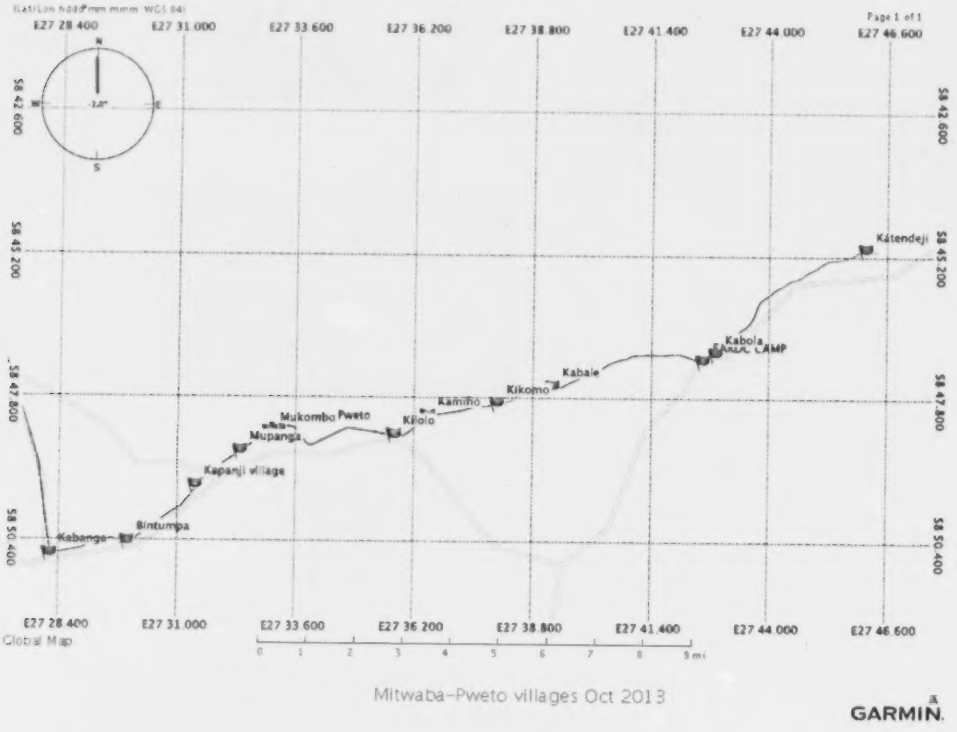
South Africa		
12	1987	
Sudan		
51	1997	
SU	2001 2006	
Former Czechoslovakia		
ZV	1977	
Yugoslav		
	1981	
Zimbabwe		
Z1	1991 1992 1997	

Calibre 7.62x54mm		
Iran		
No factory code	2007	
Former USSR (Russia)		
188	Unclear	
Sudan (ammunition boxes)		
-	2007	

Calibre 12.7x108mm		
China		
945	2007 2008	
Calibre 12.7x99mm		
Germany (Former East Germany)		
04	1973 1974	
France or Argentina		
SF	2008	
Unknown		
Unknown		
		

Annex 50

Map of villages in Mitwaba and Pweto territories visited by the Group of Experts, 28-29 October 2013 (map created by the Group)



Annex 51

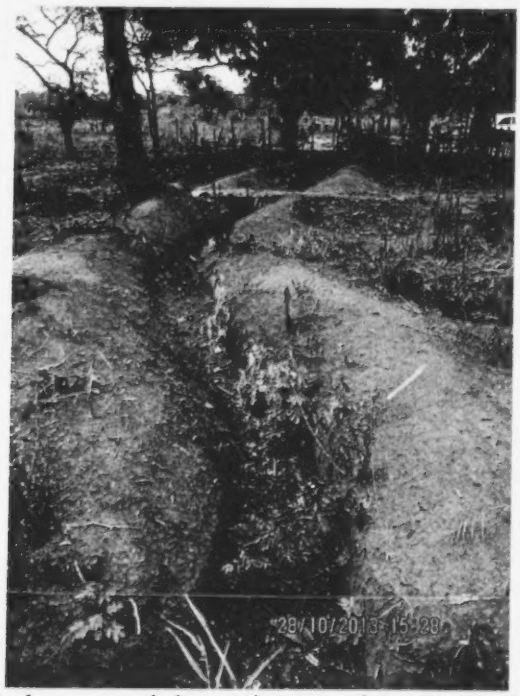
Kabola village, Pweto territory, 28 October 2013 (photos by the Group of Experts)

Burned structures in Kabola village.

Annex 52

Former FARDC base at Kabola village, Pweto territory (photos by the Group of Experts)

Building formerly used by FARDC at the western edge of Kabola village.



Trench dug around the perimeter of the FARDC base.

Annex 53

Katendeji village, Pweto territory, 28 October 2013 (photos taken by the Group)

Structures in Katendeji village, which were burned by Kata Katanga.

Annex 54

Villages affected by Kata Katanga attacks, Mitwaba and Pweto territories (photos by the Group of Experts)

Mupanga village (Mitwaba territory), abandoned on 24 October 2013.

A man returns to his home after being displaced for five days, near Kikomo (Pweto territory).

Annex 55

Attacks on MONUSCO and humanitarian workers, 2013

The following is a partial listing of incidents during 2013.

5 January, Bunia (Ituri, Orientale)
At 1845, a group of people angry about an earlier accident involving a government vehicle attacked a MONUSCO staff (Canadian nationality) in his UN car. The crowd smashed some of the vehicle's windows and hit the car causing dents, but the staff person was able to drive away unharmed.

23 March, Lubumbashi (Katanga)
FARDC soldiers including Republican Guard shot at the MONUSCO Headquarters in MONUSCO, where Kata Katanga protestors had sought refuge (see S/2013/433, annex 67).

7 May, Bukavu-Walungu Road (South Kivu)
Unknown gunmen attack a PAKBATT MONUSCO patrol. They beat the driver and shot one soldier, SubedarTanveer Hussain, at point blank range; he was instantly killed. The other passengers managed to escape. When a second PAKBATT vehicle arrived, it opened fire, causing the attackers to flee. The attackers escaped with 3 guns and 70 rounds of ammunition.

6 July, frontline north of Goma (North Kivu)
Mai Mai elements exchange fire with a combined Indian and South African Quick Reaction Force, resulting in the death of one Mai Mai combatant, and injuries to two other Mai Mai.

11 July, Kamango (North Kivu)
ADF kidnapped four MSF staff, including two nurses; three staff are Congolese and one is from Madagascar. On 12 July, ADF also stole MSF's car and used it to transport looted goods (see para. 144).

14 July, Mbau-Kamango road (North Kivu)
ADF ambushed two NEPBATT MONUSCO vehicles along the Mbau-Kamango road (see annex 33).

15 July, Mbau-Kamango road (North Kivu)
ADF shoot at and hit two MONUSCO helicopters that were conducting reconnaissance of the site of the ambush on 14 July, and the disposition of the two abandoned MONUSCO vehicles. Both helicopters suffered minor damage and no UN staff were injured.

22 July, Munigi (North Kivu)
M23 shelled the MONUSCO base at Munigi, north of Goma, injuring one Tanzanian soldier and one South African soldier, as well as causing damage to UN equipment.

25 July, Goma (North Kivu)
Local people attacked two MONUSCO vehicles with stones, damaging both cars.

August, Rumangabo (North Kivu)
M23 troops murdered two Congolese Red Cross workers arrested on 6 July 2013 in Kanyaruchinya, and imprisoned at Rumangabo.

2 August, Goma (North Kivu)
Local people attacked 11 MONUSCO vehicles – including two new cars – with stones, breaking windows and causing other body damage.

9 August, Goma (North Kivu)
Local people attacked one MONUSCO vehicle, smashing two windows.

15 August, Goma (North Kivu)
After a MONUSCO truck accidently killed a student, local people attacked MONUSCO personnel and equipment, injuring four UN peacekeepers and damaging four UN vehicles.

16 August, northeast of Beni (North Kivu)
A bullet hit an external fuel tank of a MONUSCO attack helicopter that was on a reconnaissance patrol over ADF territory. The helicopter returned safely to Goma.

22 August, Goma (North Kivu)
A 122 mm round shot by a multi-barrel rocket launcher landed on the house rented by two MONUSCO staff, causing serious damage to the house and minor damage to vehicle.

22-23 August, Munigi (North Kivu)
For two consecutive days, M23 rebels shell the MONUSCO base at Munigi, north of Goma, injuring one UN peacekeeper from South Africa, and damaging one UN ambulance.

24 August, Goma (North Kivu)
M23 rebels shot a mortar round into the Munigi MONUSCO base, north of Goma, injuring three peacekeepers. The same day, local people, angered about the death of a woman caused by a shell shot by M23, attacked 8 MONUSCO vehicles in Goma, smashing windows and causing body damage. PNC killed two local people outside a MONUSCO base near the Goma airport.

28 August, near Kibati (North Kivu)
During combat with M23, one TANZBATT officer – Major HatimShabaanMushindo – was killed; two other soldiers wounded, and one later died of his wounds. That night, M23 shelled the MONUSCO base at Munigi, injuring 3 FIB soldiers.

4 September, Lubero (North Kivu)

Unknown gunmen armed with AK-47s robbed a MONUSCO staff at his home in Lubero.

1 October, Kalembe (North Kivu)
Unidentified attackers shot at MONUSCO peacekeepers on patrol in Kalembe.

2 October, Bunagana (North Kivu)
M23 released a communiqué in which it threatened to shoot at any helicopter flying into "their airspace."

11 October, near Rumangabo (North Kivu)
M23 troops shot at but did not hit a MONUSCO FIB (South African) Oryx reconnaissance helicopter flying over Helmet Top.

18 October, near Buzuru Hill (North Kivu)
M23 troops shot at but did not hit two MONUSCO FIB (South African) Oryx helicopters flying in the area of Bizuru Hill and Kanyamohoro near Goma.

28 October, Kiwanja (North Kivu)
M23 shot and killed a Tanzanian peacekeeper during an ambush in Kiwanja.

20-21 November, Bunia (Ituri, Orientale)
Moto-taxi drivers set up roadblocks in Bunia and threw stones at one MONUSCO vehicle during a protest. The drivers were demanding compensation for a driver allegedly killed in 2012 by MONUSCO during the two-day looting spree carried out against UN agencies and staff, as well as humanitarian groups and their staff in Bunia (see S/2013/433, annex 65).

27 November, Beni (North Kivu)
Anti-MONUSCO demonstrators attacked and damaged 6 UN vehicles in Beni town. The demonstrators were angry about rumors that MONUSCO staff had abducted and eaten a local woman; this was proven false when the woman presented herself to Beni officials.

29 November, Goma (North Kivu)
Armed men robbed several MONUSCO staff as they changed a tire on a car on the edge of Goma.

Annex 56

Attacks on MONUSCO in Goma (information and photos provided by MONUSCO)

Following is a list of attacks against MONUSCO staff and vehicles. In addition to vehicle damage, at least two staff were injured by flying glass and rocks.

MAKE/MODEL	DATE	DAMAGE
TOYOTA PRADO	25/7/2013	L/H & R/H Q-PANEL DAMAGED
TOYOTA PRADO	25/7/2013	L/H QUARTERPANEL GLASS, BACK DOOR GLASS
FORD EVEREST	2/8/13	MULTIPLE PANEL & GLASS
TOYOTA PRADO	2/8/13	L/H QUARTERPANEL GLASS
NISSAN PATROL	2/8/13	R/H Q-PANEL GLASS, R/H RR DOOR GLASS, DOOR FRAMES DENTED, WINDSCREEN
NISSAN PATROL	2/8/13	L/H RR QUARTERPANEL GLASS
TOYOTA PRADO	2/8/13	L/H Q-PANEL GLASS
NISSAN PATROL	2/8/13	L/H FR DOOR GLASS
NISSAN PATROL	2/8/13	R/H FRONT DOOR GLASS
NISSAN PATROL	2/8/13	R/H QUARTERPANEL GLASS, R/H RR DOOR GLASS, DOOR FRAMES DENTED
HIACE MINIBUS	2/8/13	BACK DOOR GLASS
NISSAN PATROL	2/8/13	L/H QUARTER PANEL GLASS
NISSAN PATROL	2/8/13	WINDSCREEN & BODY DAMAGE
NISSAN PATROL	9/8/13	L/H QUARTERPANEL GLASS
TOYOTA HIACE	15/8/2013	WINDSCREEN & BODY DAMAGE
TOYOTA L/CRUISER ARMD.	24/8/2013	MULTIPLE PANEL & GLASS
TOYOTA PRADO	24/8/2013	REAR DDOR GLASS, R/H FR DOOR GLASS, R/H RR DOOR GLASS
TOYOTA PRADO	24/8/2013	MULTIPLE PANEL & GLASS
NISSAN PATROL	24/8/2013	FRONT WINDSCREEN
HIACE MINIBUS	24/8/2013	FRONT WINDSCREEN, R/H SIDE REAR GLASSES, R/H SLIDING DOOR GLASSES
TOYOTA LANDCRUISER	24/8/2013	FRONT WINDSCREEN, R/H SIDE CENTER GLASSES, L/H DOOR GLASSE, BODY PANELS
TOYOTA PRADO	24/8/2013	FRONT WINDSCREEN, BACK DOOOR GLASS
NISSAN PATROL	24/8/2013	L/H BACK DOOR GLASS, R/H FR DOOR GLASS

Armored vehicle damaged 24 August 2013, Goma.

Vehicle damaged 24 August 2013, Goma.

Vehicle damaged 2 August 2013, Goma.

Vehicle damaged 24 August 2013, Goma.

Annex 57

Rumangabo Detention Center (photos by the Group of Experts)

The Rumangabo Headquarters' Detention Center shortly after it was evacuated by M23 combatants on 28 October 2013.

Annex 58

Prisoners executed by M23 (photos by the Group of Experts)

Individual executed by M23 in a grave located by the Group on 28 October 2013 at Rumangabo. The grave was 20 meters from the Rumangabo prison building.

Detainee executed by M23 on 28 August at Kibati.

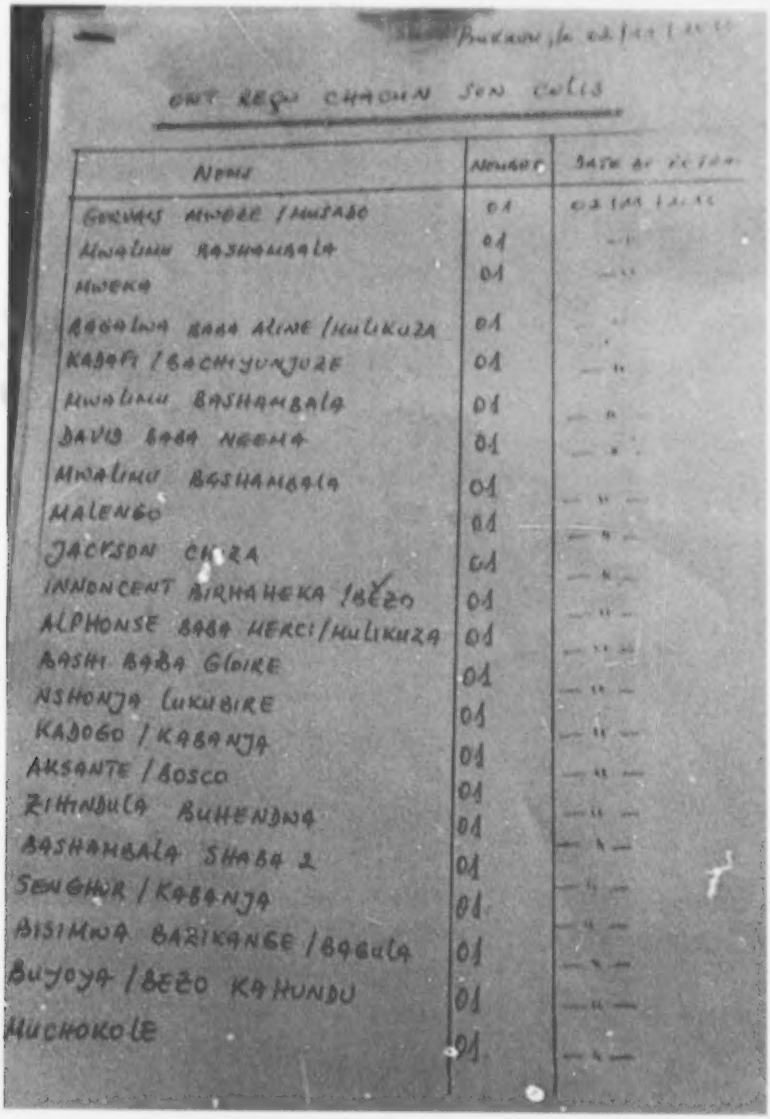
Annex 59

View of Miba in Misisi (photo taken in August by the Group of Experts)

Annex 60

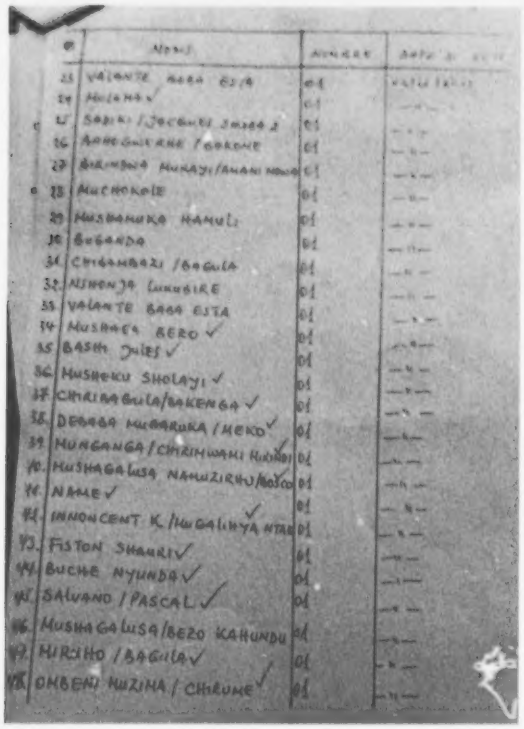
List of buyers of gold from Misisi, South Kivu (photos by the Group of Experts)

This is a list of the individuals who claimed the 64 gold parcels seized on 23 October 2013 along the Bukavu-Kamanyola Road, South Kivu.

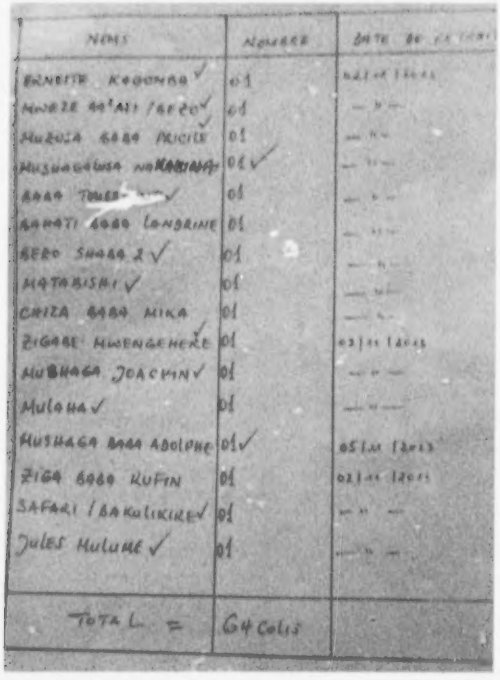


ONT REÇU CHACUN SON COLIS

NOMS	NOMBRE	SIGNATURE
GERMAIN MWOBE / MUSABO	01	
MWALIMU BASHAMBALA	01	
MWEKA	01	
BAGALWA BABA ALINE / MULIKUZA	01	
KABAFI / BACHIYUNJUZE	01	
MWALIMU BASHAMBALA	01	
DAVID BABA NEEMA	01	
MWALIMU BASHAMBALA	01	
MALENGO	01	
JACKSON CHIZA	01	
INNOCENT BIRHAHEKA / BEZO	01	
ALPHONSE BABA MERCI / MULIKUZA	01	
BASHI BABA GLOIRE	01	
NSHONJA LUKUBIRE	01	
KADOGO / KABANJA	01	
AKSANTE / BOSCO	01	
ZIHINDULA BUHENDWA	01	
BASHAMBALA SHABA 2	01	
SENGHOR / KABANJA	01	
BISIMWA BAZIKANGE / BAGULA	01	
BUJOYA / BEZO KAHUNDU	01	
MUCHOKOLE	01	



	NOMS	NOMBRE	DATE
25	VALANTE BABA ESTA	01	
26	MULAHA ✓	01	
27	SADIKI / JOCONIEL SHABA 2	01	
28	ADONGIRANE / GORONE	01	
29	BAKUNDA MUNAYI / AMANI NDUKO	01	
30	MUCHOKOLE	01	
31	MUSHANUKA HAMULI	01	
32	BUGANDA	01	
33	CHIGAMBAZI / BAGULA	01	
34	NJIWONJA LUNGIRE	01	
35	VALANTE BABA ESTA	01	
36	MUSHAGA BERO ✓	01	
37	BASHA JULES ✓	01	
38	MUSHEKU SHOLAYI ✓	01	
39	CHIRIBAGULA / BAKENGA ✓	01	
40	DEBABA MUBARUKA / MEKO ✓	01	
41	MUHANGA / CHIRIMWAMI HUNDU	01	
42	MUSHAGALUSA NAMUZIRHU / MOSCO	01	
43	NAME ✓	01	
44	INNOCENT K. / MUGALIHYA NTALE	01	
45	FISTON SHAMIRI ✓	01	
46	BUCHE NYUNDA ✓	01	
47	SALVANO / PASCAL ✓	01	
48	MUSHAGALUSA / BEZO KAHUNDU	01	
49	MIRIHO / BAGULA ✓	01	
50	OMBENI MUZIHA / CHIRUME ✓	01	



NOMS	NOMBRE	DATE
BUNDITE KABUNDA ✓	01	
MUNDE BATALI / BEZO ✓	01	
MUZUZA BABA FELICIE	01	
MUSHAGALUSA NA[illegible]	01 ✓	
BABA [illegible] ✓	01	
KAMATI BABA LONGRINE	01	
BERO SHABA 2 ✓	01	
MATABISHI ✓	01	
CHIZA BABA MIKA	01	
ZIGABE MWENGEHERE	01	02/11/2013
MUBHAGA JOACHIN ✓	01	
MULAHA ✓	01	
MUSHAGA BABA ADOLPHE	01 ✓	05/11/2013
ZIGA BABA KUFIN	01	02/11/2013
SAFARI / BAKULIKIRE ✓	01	
JULES MULUME ✓	01	
TOTAL =	64 Colis	

Annex 61

Drague on the Osso River (photo by local worker)

Mai MaiSimba collected taxes from dragues on the Osso River. Dragues are small watercrafts fitted with powerful pumps to suck up sediment from the river bottom, which is then washed to procure gold.

Annex 62

Official gold exports from DRC, January – October 2013

The following table lists the official gold exports from DRC. Please note that the weights noted are for the "brut", or raw gold. Gold exported from DRC varies in purity from the low 80s in percentage, to the low 90s. The weight of the pure gold would therefore be approximately 10 to 15 percent less than the quantities given below.

Table 1. Gold exports by location and company, January to October 2013

Location	Exporter	Weight in kg
Kinshasa	SatisRessources	3.16
	Centauris	1.02
	Metal Aurum	37.43
	Edavlena	9.55
	Total	**51.16**
Bukavu	DTA	10.33
	Mining Congo	46.32
	(Unknown)	0.49
	Total	**57.14**
Kisangani	Metal Aurum	44.31
	Centauris	11.84
	Edavlena	2.65
	Divas	2.57
	Total	**61.37**
Butembo	Glory minerals	2.1
Bunia	MetauxPrecieux	8.99
TOTAL	-	**180.76**

In North Kivu, there was only one official export by Glory Minerals (S/2008/773, para. 97; S/2009/603, para. 128-136). Glory Minerals is the only licensed gold comptoir in North Kivu. It exported its gold in October 2013 to SakshiJewellry in Dubai, UAE.

In South Kivu, two gold comptoirs - Cavichi and EtablissementNamukaya - started operating late in 2013 and are not on the above table.

In Orientale, four gold comptoirs exported from Kisangani: Metal Aurum, Centuris, Edavlena and Divas (Metal Aurum, Centuris, Edavlena also exported from Kinshasa). In Bunia, Ituri, the only comptoir, MétauxPrécieux, made two export shipments to Dubai through November. MétauxPrécieux made a third shipment to Dubai on 1 November, which is not reflected in this table because the Group did not have other data for post-October exports in DRC.

In Maniema, there was no official gold export; all gold is smuggled.

Annex 63

Gold price 2013

This annex shows the monthly gold price for 2013. The monthly values are derived from an average of the daily morning and afternoon London gold prices. The London price is given for one troy ounce. Table 1 gives the average monthly price per ounce, and calculates the price per kilogram based on the following formula:

Price for 1 troy oz ÷ 31.1034768 g = price per gram
Price per gram x 1000 = price per kilogram

Table 1. Average monthly gold price (London), 2013 (USD)

Month	Price per troy ounce (USD)	Price per gram (USD)	Price per kilogram (USD)
Jan-13	1,598.75	51.40	51,401.01
Feb-13	1,629.14	52.38	52,378.07
Mar-13	1,591.94	51.18	51,182.06
Apr-13	1,485.49	47.76	47,759.61
May-13	1,414.82	45.49	45,487.52
Jun-13	1,342.53	43.16	43,163.34
Jul-13	1,285.54	41.33	41,331.07
Aug-13	1,346.07	43.28	43,277.16
Sep-13	1,348.63	43.36	43,359.46
Oct-13	1,315.29	42.29	42,287.56
*Nov-13	1,296.11	41.67	41,670.90
**Dec-13	1,318.33	42.39	42,385.29
***Average	**1,423.12**	**45.47**	**45,473.59**

Source: http://www.kitco.com/gold.londonfix.html, accessed 18 November 2013

* The average November price is based on the average of daily prices from 4-15 November.
** The average December price is based on the average of monthly prices from July to November 2013. The Group chose to use this average, rather than the annual monthly average, because the price of gold has dropped during the second half of the year; thus the average price for July-November more accurately reflects the price that could be expected for December.
*** This average is based on all monthly values, and reflects the assumptions made for calculating the November and December prices, as described above.

Annex 64

Tax revenue lost by the Congolese government due to gold smuggling, 2013

This annex estimates the value of Congolese gold exports, from artisanal production, during 2013, and uses those figures to estimate the amount of lost taxes due to smuggling. This annex builds upon the information presented in annex 63. It also uses a 2011 U.S. Geological Survey estimate of 10,000 kg of annual production of gold from artisanal mining in DRC.

Gold produced in eastern DRC varies in purity from the low 80 percentages to the low 90 percentages (see annex 67). Table 1 thus estimates the monthly and annual value of gold produced by artisanal sources in eastern DRC during 2013 for four estimated average purities.

Table 1. Estimated value of artisanal production in DRC for four purity levels, 2013

Month	Value per kg (USD)*	Monthly estimated production (kg)**	Value (USD) Based on 86 percent purity	Value (USD) Based on 88 percent purity	Value (USD) Based on 90 percent purity	Value (USD) Based on 92 percent purity
Jan-13	51,401.01	833.33	36,837,240.34	37,693,920.35	38,550,600.35	39,407,280.36
Feb-13	52,378.07	833.33	37,537,464.72	38,410,429.02	39,283,393.31	40,156,357.61
Mar-13	51,182.06	833.33	36,680,329.25	37,533,360.16	38,386,391.07	39,239,421.99
Apr-13	47,759.61	833.33	34,227,585.40	35,023,575.75	35,819,566.11	36,615,556.47
May-13	45,487.52	833.33	32,599,258.41	33,357,380.69	34,115,502.98	34,873,625.27
Jun-13	43,163.34	833.33	30,933,604.55	31,652,990.70	32,372,376.85	33,091,763.01
Jul-13	41,331.07	833.33	29,620,482.22	30,309,330.64	30,998,179.06	31,687,027.49
Aug-13	43,277.16	833.33	31,015,170.67	31,736,453.71	32,457,736.74	33,179,019.78
Sep-13	43,359.46	833.33	31,074,156.33	31,796,811.13	32,519,465.93	33,242,120.73
Oct-13	42,287.56	833.33	30,305,960.18	31,010,749.96	31,715,539.73	32,420,329.50
Nov-13	41,670.90	833.33	29,864,028.51	30,558,540.80	31,253,053.09	31,947,565.38
Dec-13	42,385.29	833.33	30,376,005.66	31,082,424.40	31,788,843.14	32,495,261.87
TOTAL	-	10,000.00	**391,071,286.20**	**400,165,967.30**	**409,260,648.40**	**418,355,329.50**

*Based on calculations made in annex [Gold price 2013]

**Based on Thomas R. Yager, "The Mineral Industry of Congo (Kinshasa)" (Washington, DC: U.S. Geological Survey, 2011), Table 2.

Table 1 shows that based an assumed artisanal production of 10,000 kg for 2013, Congo's miners produced between $391 and $418 million in gold. Table 2 builds upon the information in Table 1, and estimates the taxes that the Congolese government should have collected during 2013. The Congolese government taxes legal exports at 2 percent of the value of the pure gold exported, according to this calculation:

Weight of export (kg) x percent purity x gold price (USD) x 0.02 percent tax
= value of tax (USD)

Table 2 multiplies the monthly value per purity percentage shown in Table 1 by 0.02 (2 percent) to obtain the estimated tax the DRC government should collect.

Table 2. Estimated value of taxes for artisanally produced gold in DRC for four purity levels, based on estimated 10,000 kg production in 2013

Month	Tax based on 86 percent purity (USD)	Tax based on 88 percent purity (USD)	Tax based on 90 percent purity (USD)	Tax based on 92 percent purity (USD)
Jan-13	736,744.81	753,878.41	771,012.01	788,145.61
Feb-13	750,749.29	768,208.58	785,667.87	803,127.15
Mar-13	733,606.58	750,667.20	767,727.82	784,788.44
Apr-13	684,551.71	700,471.52	716,391.32	732,311.13
May-13	651,985.17	667,147.61	682,310.06	697,472.51
Jun-13	618,672.09	633,059.81	647,447.54	661,835.26
Jul-13	592,409.64	606,186.61	619,963.58	633,740.55
Aug-13	620,303.41	634,729.07	649,154.73	663,580.40
Sep-13	621,483.13	635,936.22	650,389.32	664,842.41
Oct-13	606,119.20	620,215.00	634,310.79	648,406.59
Nov-13	597,280.57	611,170.82	625,061.06	638,951.31
Dec-13*	607,520.11	621,648.49	635,776.86	649,905.24
TOTAL	**7,821,511.72**	**8,003,407.35**	**8,185,302.97**	**8,367,198.59**

*Estimate based on data presented in annex [Gold price 2013]

Table 2 shows that the Congolese government should have collected between $7.8 and $8.4 million in taxes for gold produced in 2013; however, this calculation is based on the assumption that all gold produced during 2013 was exported during 2013. Of this tax money, half goes to the province that exported the gold, and half goes to various federal agencies. Thus, gold producing provinces should have received approximately $3.9 to $4.2 million in tax money from gold exports.

Table 3 shows the estimated value of official gold exports from DRC for 2013. This table uses data from annexes 62 and 63. Since the Group has official gold export data for only January to October, an estimated monthly export volume (kg) is determined using the following formula:

Total gold exports for Jan.-Oct. (kg) / 10 months = average monthly export (kg)

180.76 kg / 10 = 18.08 kg

Using this estimated average of 18.08 kg per month legally exported per month, the data in Table 3 is calculated using the following formula:

((18.08 kg x average monthly gold price for 99.9 percent pure gold)
x estimated actual gold purity percentage (86, 88, 90, 92))
x 2 percent tax
= estimated value of tax for legal exports (USD)

Table 3. Estimated value of taxes collected from official gold exports from DRC, 2013 (USD)

Month	Official gold export (est. kg)	Value per kg (USD)	Tax value based on gold of 86 percent purity (USD)	Tax value based on gold of 88 percent purity (USD)	Tax value based on gold of 90 percent purity (USD)	Tax value based on gold of 92 percent purity (USD)
Jan-13	18.08	51,401.01	15,984.48	16,356.21	16,727.94	17,099.68
Feb-13	18.08	52,378.07	16,288.32	16,667.12	17,045.92	17,424.72
Mar-13	18.08	51,182.06	15,916.39	16,286.54	16,656.69	17,026.84
Apr-13	18.08	47,759.61	14,852.09	15,197.49	15,542.89	15,888.29
May-13	18.08	45,487.52	14,145.53	14,474.49	14,803.46	15,132.42
Jun-13	18.08	43,163.34	13,422.76	13,734.92	14,047.08	14,359.24
Jul-13	18.08	41,331.07	12,852.97	13,151.88	13,450.78	13,749.69
Aug-13	18.08	43,277.16	13,458.16	13,771.14	14,084.12	14,397.10
Sep-13	18.08	43,359.46	13,483.75	13,797.33	14,110.90	14,424.48
Oct-13	18.08	42,287.56	13,150.41	13,456.24	13,762.06	14,067.89
Nov-13	18.08	41,670.90	12,958.65	13,260.02	13,561.38	13,862.74
Dec-13*	18.08	42,385.29	13,180.81	13,487.34	13,793.87	14,100.40
TOTAL	**216.96**	-	**169,780.33**	**173,728.71**	**177,677.09**	**181,625.47**

*Estimate based on data presented in annex 63.

Table 3 shows that the estimated value of taxes the Congolese state should collect during 2013 for official gold exports varies between $170,000 and $181,000, based on estimates of the average level of purity of the gold exported.

Building upon the data in Tables 2 and 3, Table 4 presents data based on the following formulae:

Estimated gold exports (kg) – estimated official gold exports (kg)
= amount of gold smuggled out of DRC during 2013 (kg)

Estimated gold exports (USD) – estimated official gold exports (USD)
= value of gold smuggled out of DRC during 2013 (USD)

Estimated tax based on estimated gold exports (USD) – estimated tax of official gold exports (USD)
= lost tax revenue (USD)

Table 4. Estimated amount and value of smuggled gold, as well as lost tax revenue, DRC, 2013

	Estimated gold exports, 2013 (kg)	Estimated actual gold exports, 2013 (kg)	Estimated amount of smuggled gold, 2013 (kg)
	10,000	217	**9,783**
Gold purity (percent)	**Estimated gold export value, 2013 (USD)**	**Estimated actual gold export value, 2013 (USD)**	**Estimated value of smuggled gold, 2013 (USD)**
86	391,071,286.20	8,484,802.57	382,586,483.63
88	400,165,967.30	8,682,123.56	391,483,843.74
90	409,260,648.40	8,879,444.55	400,381,203.85
92	418,355,329.50	9,076,765.54	409,278,563.96
Gold purity (percent)	**Estimated total gold tax based on estimated gold export value, 2013 (USD)**	**Estimated total actual gold tax value, 2013 (USD)**	**Estimated total lost tax revenue for gold due to smuggling, 2013 (USD)**
86	7,821,511.72	169,780.33	7,651,731.39
88	8,003,407.35	173,728.71	7,829,678.64
90	8,185,302.97	177,677.09	8,007,625.88
92	8,367,198.59	181,625.47	8,185,573.12

Table 3 estimates that 9,783 kg of gold are smuggled out Congo in 2013; thus an estimated 98 percent of artisanally produced gold is smuggled out of Congo.

Table 3 also shows that the estimated value of gold smuggled out of Congo during 2013 ranges between $383 and $409 million.

Based on the estimated value of the smuggled gold, the Congolese government lost an estimated $7.7 to $8.2 million in tax revenue during 2013.

Annex 65

Gold dealer in Butembo(photo by the Group of Experts)

One of dozens of gold negociant shops in Butembo, near the central market.

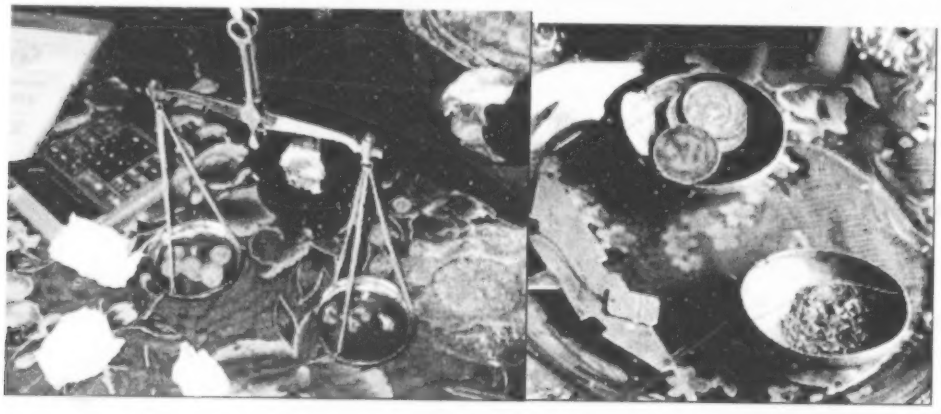
Annex 66

Gold smuggler arrested in South Kivu (photo provided to the Group by Congolese authorities)

Annex 67

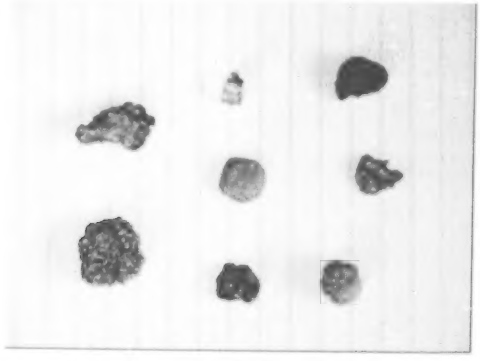
Gold fraud at the local and intermediate levels (photos by the Group of Experts)

At the local level, fraud in the gold trade is due to the use of flawed weights and scales, and visual assessments of gold quality. Gold buyers at mining sites and primary trading sites use matchsticks, coins and small weights to weigh gold in hand-held scales, but there is no standardization for these weights. For example, the coin commonly used as a weight for gold scales (called the 'kitchele' in Ituri, and the 'renge' in South Kivu) is considered to weigh 1 gram, but measurements by the Group and an academic indicate these coins weight between 1.2 and 1.4 grams. Thus, when a person sells "1 gram" to a buyer, they are actually selling that person 1.2-1.4 grams, but being paid for 1 gram.



Examples of scales used in Mongbwalu (Ituri) for buying and selling gold. The kitchele coins used as weights are visible in both images.

In addition, at the local level, the purity of gold is also determined by visual inspection, or based on an estimate of the purity of gold coming from a particular mining site. While experienced gold buyers (and sellers) consider themselves experts at determining purity in these ways, in fact there is a potential for margins of error of several percentage points.



Samples of gold sold in Mongbwalu (Ituri) show varying levels of purity, from the low 90s (top center), to the low 80s (top right).

The fraud continues at the intermediate level, such as at the main trading towns of Bukavu, Bunia and Butembo. While electronic scales are often used at this level, there is no inspection and verification of the accuracy of these scales. Gold purity is determined by visual inspection, and in some cases, by use of a gold density-testing machine.

One gold trader in Congo shared with the Group the results of his own investigation into fraud. The trader had a sample of gold known to be of 92.33 percent purity, but four gold buyers in Butembo offered prices based on purity estimates of 88.2, 89.1, 90.0, and 90.0 percent. These traders determined a density value using a gold density tester, and then determined a purity value using an in-house table, similar to the Kampala gold table. In this way, Butembo gold buyers could have cheated a gold seller by 2.3 to 4.1 percent of value of the gold. While this is one example, based on interviews with gold traders and local officials familiar with the gold trade, the Group believes that such fraud is common among unofficial gold buyers, particularly in Butembo and Bunia.

Annex 68
Kampala gold table

Table 1. Kampala gold table providing gold purity values based on gold density values
(provided by a confidential source)

Density Index 0.5										
	0	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9
80.00	16.4703	16.4821	16.4939	16.5057	16.5175	16.5294	16.5413	16.5532	16.5651	16.5770
81.00	16.5889	16.6009	16.6129	16.6249	16.6369	16.6489	16.6609	16.6730	16.6851	16.6972
82.00	16.7093	16.7214	16.7336	16.7457	16.7579	16.7701	16.7824	16.7946	16.8069	16.8191
83.00	16.8314	16.8437	16.8561	16.8684	16.8808	16.8932	16.9056	16.9180	16.9304	16.9429
84.00	16.9554	16.9678	16.9804	16.9929	17.0054	17.0180	17.0306	17.0432	17.0558	17.0685
85.00	17.0811	17.0938	17.1065	17.1192	17.1319	17.1447	17.1575	17.1703	17.1831	17.1959
86.00	17.2088	17.2216	17.2345	17.2474	17.2604	17.2733	17.2863	17.2993	17.3123	17.3253
87.00	17.3383	17.3514	17.3645	17.3776	17.3907	17.4038	17.4170	17.4302	17.4434	17.4566
88.00	17.4699	17.4831	17.4964	17.5097	17.5230	17.5364	17.5497	17.5631	17.5765	17.5900
89.00	17.6034	17.6169	17.6304	17.6439	17.6574	17.6709	17.6845	17.6981	17.7117	17.7253
90.00	17.7390	17.7527	17.7664	17.7801	17.7938	17.8076	17.8214	17.8352	17.8490	17.8628
91.00	17.8767	17.8906	17.9045	17.9184	17.9324	17.9464	17.9604	17.9744	17.9884	18.0025
92.00	18.0166	18.0307	18.0448	18.0590	18.0731	18.0873	18.1015	18.1158	18.1300	18.1443
93.00	18.1586	18.1730	18.1873	18.2017	18.2161	18.2305	18.2450	18.2594	18.2739	18.2884
94.00	18.3030	18.3175	18.3321	18.3467	18.3613	18.3760	18.3907	18.4054	18.4201	18.4348
95.00	18.4496	18.4644	18.4792	18.4940	18.5089	18.5238	18.5387	18.5537	18.5686	18.5836
96.00	18.5986	18.6136	18.6287	18.6438	18.6589	18.6740	18.6892	18.7043	18.7196	18.7348
97.00	18.7500	18.7653	18.7806	18.7959	18.8113	18.8267	18.8421	18.8575	18.8730	18.8884

A major Kampala gold buyer uses this table to calculate the purity of gold offered for sale by gold traders. The left (vertical) column is the whole number purity value; the top (horizontal) column is the corresponding tenth of one percent value. Pure gold is 99.9 percent pure, but most gold samples from artisanal mining average purity values in the mid-80s to low 90s. The values in the body of the table represent density values from a machine reading: a sample of gold is placed in a gold density tester machine, which gives a numerical reading. To determine gold purity, one would find the gold density reading in the table and then read to the left to obtain the whole number value, and read to the top to obtain the tenth of the percent value. For example, according to the table, a machine reading of 16.4703 g/cm^3 corresponds to a purity of 80.0 percent. Pure (99.9 percent) gold has a specific gravity (density) of 19.32 g/cm^3.

In reality, a machine reading of 16.4703 g/cm^3 corresponds to a purity of 85.25 percent – a difference of 5.25 percent from the value presented in the Kampala gold table (KGT). That is, 16.4703 g/cm^3 divided by 19.32 g/cm^3 equals 85.3 percent purity, not 80.0 percent purity as the KGT shows. Similarly, while the KGT states the gold purity is 90.5 percent for a density reading of 17.8076 g/cm^3 for a given sample, the sample is actually 92.2 percent pure. The Kampala table thus distorts the true gold density value for a given density reading.

The table below compares the KGT values for gold purity to the actual values, based on the density figures provided in the body of the Kampala table. The left column and the top row represent the purity values as defined in the left column and top row of the Kampala gold table. Dividing the density values presented in the KGT by 19.32 g/cm^3 gives the true gold purity values presented in the body of the table below.

Table 2. Kampala gold table purity values versus the true gold purity values based on gold density figures presented in the KGT (compiled by the Group of Experts)

	0	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9
80.00	85.3	85.3	85.4	85.4	85.5	85.6	85.6	85.7	85.7	85.8
81.00	85.9	85.9	86.0	86.1	86.1	86.2	86.2	86.3	86.4	86.4
82.00	86.5	86.5	86.6	86.7	86.7	86.8	86.9	86.9	87.0	87.1
83.00	87.1	87.2	87.2	87.3	87.4	87.4	87.5	87.6	87.6	87.7
84.00	87.8	87.8	87.9	88.0	88.0	88.1	88.2	88.2	88.3	88.3
85.00	88.4	88.5	88.5	88.6	88.7	88.7	88.8	88.9	88.9	89.0
86.00	89.1	89.1	89.2	89.3	89.3	89.4	89.5	89.5	89.6	89.7
87.00	89.7	89.8	89.9	89.9	90.0	90.1	90.2	90.2	90.3	90.4
88.00	90.4	90.5	90.6	90.6	90.7	90.8	90.8	90.9	91.0	91.0
89.00	91.1	91.2	91.3	91.3	91.4	91.5	91.5	91.6	91.7	91.7
90.00	91.8	91.9	92.0	92.0	92.1	92.2	92.2	92.3	92.4	92.5
91.00	92.5	92.6	92.7	92.7	92.8	92.9	93.0	93.0	93.1	93.2
92.00	93.3	93.3	93.4	93.5	93.5	93.6	93.7	93.8	93.8	93.9
93.00	94.0	94.1	94.1	94.2	94.3	94.4	94.4	94.5	94.6	94.7
94.00	94.7	94.8	94.9	95.0	95.0	95.1	95.2	95.3	95.3	95.4
95.00	95.5	95.6	95.6	95.7	95.8	95.9	96.0	96.0	96.1	96.2
96.00	96.3	96.3	96.4	96.5	96.6	96.7	96.7	96.8	96.9	97.0
97.00	97.0	97.1	97.2	97.3	97.4	97.4	97.5	97.6	97.7	97.7

Using the examples cited earlier, where the KGT suggests a gold purity of 80.0 percent, the actual value is 85.3 percent; where the KGT indicates 90.5 percent purity, the actual gold purity is 92.2 percent. Please note true purity values are rounded off; calculations based on the density values presented in the KGT extend out many places to the right of the decimal point, as shown in the table below.

Table 3. Difference between gold purity values presented in the Kampala gold table and the true gold purity based on gold density values presented in the KGT (compiled by the Group of Experts)

	0	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9
80.00	-5.25000	-5.21108	-5.17215	-5.13323	-5.09431	-5.05590	-5.01749	-4.97909	-4.94068	-4.90228
81.00	-4.86387	-4.82598	-4.78810	-4.75021	-4.71232	-4.67443	-4.63654	-4.59917	-4.56180	-4.52443
82.00	-4.48706	-4.44969	-4.41284	-4.37547	-4.33861	-4.30176	-4.26542	-4.22857	-4.19224	-4.15538
83.00	-4.11905	-4.08271	-4.04689	-4.01056	-3.97474	-3.93892	-3.90311	-3.86729	-3.83147	-3.79617
84.00	-3.76087	-3.72505	-3.69027	-3.65497	-3.61967	-3.58489	-3.55011	-3.51532	-3.48054	-3.44627
85.00	-3.41149	-3.37723	-3.34296	-3.30870	-3.27443	-3.24068	-3.20694	-3.17319	-3.13944	-3.10569
86.00	-3.07246	-3.03872	-3.00549	-2.97226	-2.93954	-2.90631	-2.87361	-2.84089	-2.80818	-2.77547
87.00	-2.74275	-2.71056	-2.67836	-2.64617	-2.61398	-2.58178	-2.55010	-2.51843	-2.48675	-2.45507
88.00	-2.42391	-2.39224	-2.36108	-2.32992	-2.29876	-2.26812	-2.23696	-2.20631	-2.17567	-2.14555
89.00	-2.11491	-2.08478	-2.05466	-2.02453	-1.99441	-1.96429	-1.93468	-1.90507	-1.87547	-1.84586
90.00	-1.81677	-1.78768	-1.75859	-1.72950	-1.70041	-1.67184	-1.64327	-1.61470	-1.58613	-1.55756
91.00	-1.52950	-1.50145	-1.47340	-1.44534	-1.41781	-1.39027	-1.36273	-1.33520	-1.30766	-1.28064
92.00	-1.25362	-1.22660	-1.19959	-1.17308	-1.14607	-1.11957	-1.09306	-1.06708	-1.04058	-1.01460
93.0	-0.98861	-0.96315	-0.93716	-0.91170	-0.88623	-0.86077	-0.83582	-0.81035	-0.78540	-0.76046
94.0	-0.73602	-0.71108	-0.68665	-0.66222	-0.63778	-0.61387	-0.58996	-0.56605	-0.54213	-0.51822
95.0	-0.49482	-0.47143	-0.44803	-0.42464	-0.40176	-0.37888	-0.35600	-0.33364	-0.31077	-0.28841
96.00	-0.26605	-0.24369	-0.22184	-0.20000	-0.17816	-0.15631	-0.13499	-0.11315	-0.09234	-0.07101
97.00	-0.04969	-0.02888	-0.00807	0.01273	0.03302	0.05331	0.07360	0.09389	0.11366	0.15673

The above table shows the difference between the KGT gold purity values and the true values. The left column and the top row represent the purity values and defined in the left column and

top row of the KGT. Thus, if the KGT states the gold purity is 80.0 percent, it is understating the actual gold purity by 5.25 percent. If the KGT states the gold purity is 90.5 percent, it is understating the actual gold purity by 1.67184 percent. This table presents similar information to Table 2 above, but presents a more accurate (not the rounded off) value.

Table 4. True gold purity compared to gold purity values in the KGT (compiled by the Group of Experts)

	0	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9
85.00	-	-	-	80.0 80.1	80.2 80.3	80.4	80.5 80.6	80.7 80.8	80.9	81.0 81.1
86.00	81.2	81.3 81.4	81.5 81.6	81.7	81.8 81.9	82.0 82.1	82.2	82.3 82.4	82.5	82.6 82.7
87.00	82.8	82.9 83.0	83.1 83.2	83.3	83.4 83.5	83.6	83.7 83.8	83.9	84.0 84.1	84.2
88.00	84.3 84.4	84.5	84.6 84.7	84.8 84.9	85.0	85.1 85.2	85.3	85.4 85.5	85.6	85.7 85.8
89.00	85.9	86.0 86.1	86.2	86.3 86.4	86.5	86.6 86.7	86.8	86.9 87.0	87.1	87.2 87.3
90.00	87.4	87.5	87.6 87.7	87.8	87.9 88.0	88.1	88.2 88.3	88.4	88.5 88.6	88.7
91.00	88.8 88.9	89.0	89.1	89.2 89.3	89.4	89.5 89.6	89.7	89.8 89.9	90.0	90.1
92.00	90.2 90.3	90.4	90.5 90.6	90.7	90.8	90.9 91.0	91.1	91.2 91.3	91.4	91.5
93.00	91.6 91.7	91.8	91.9	92.0 92.1	92.2	92.3 92.4	92.5	92.6	92.7 92.8	92.9
94.00	93.0	93.1 93.2	93.3	93.4	93.5 93.6	93.7	93.8	93.9 94.0	94.1	94.2
95.00	94.3 94.4	94.5	94.6	94.7 94.8	94.9	95.0	95.1 95.2	95.3	95.4	95.5
96.00	95.6 95.7	95.8	95.9	96.0 96.1	96.2	96.3	96.4	96.5 96.6	96.7	96.8
97.00	96.9 97.0	97.1	97.2	97.3	97.4 97.5	97.6	97.7	97.8 97.9	-	-

The above table shows true gold purity values compared to the gold purity values contained in the KGT. The left column and top row present true gold purity values, and the data in the body of the table represent the related values in the KGT. In effect, this table inverts the data presented in Table 2. For example, if a sample has a true gold purity of 88.0 percent, the KGT states the value is either 84.3 or 84.4 percent. If a sample has a true gold purity of 90.5 percent, the KGT states the gold purity is only 88.1 percent.

The KGT does not have uniform error margin, but rather has higher false values for lower purities of gold. The Group is not able to determine the reason for these variations, but notes that most gold coming from Congo is produced by crushing and treating gold-bearing rocks (as opposed to gold nuggets and dust), and has purity values in the low to mid 80s percent. Gold nuggets and dust generally have purities in the high 80s to low 90s. These facts are borne out by data the Group obtained from the Centre d'Evaluation, d'Expertiseet de Certification (CEEC) in Bunia (Ituri), which recorded three official gold exports during 2013. The first

export (a 4.307 kg ingot) had a purity of 83 percent; the second export (a 4.684 kg ingot) had a purity of 93 percent; and the third export (a 5.517 kg ingot) had a purity of 85 percent.

Table 5 shows the theoretical densities for the values contained in KGT. The left (vertical) column and the top row are the same values as in the respective column/row in the KGT. Since (as shown in Tables 2-4) the values in the body of the KGT do not correspond to true purity percentages using the true density of gold (19.32 g/cm^3), Table 5 shows the density value for the corresponding place in the KGT that gives the percentage purity as shown in the KGT. That is, for a KGT reading of 80.00 percent purity:

16.47.03 ÷ 20.587785 (the number below is rounded) = 80.00

Table 5. Theoretical gold densities that correspond with Kampala gold density values and purity percentages in the KGT

	0	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9
80.00	20.59	20.56	20.55	20.54	20.53	20.52	20.51	20.50	20.49	20.48
81.00	20.48	20.45	20.44	20.43	20.42	20.41	20.40	20.39	20.38	20.37
82.00	20.38	20.35	20.34	20.33	20.32	20.31	20.30	20.29	20.28	20.27
83.00	20.28	20.25	20.24	20.24	20.23	20.22	20.21	20.20	20.19	20.18
84.00	20.19	20.16	20.15	20.14	20.13	20.12	20.12	20.11	20.10	20.09
85.00	20.10	20.07	20.06	20.05	20.05	20.04	20.03	20.02	20.01	20.00
86.00	20.01	19.99	19.98	19.97	19.96	19.95	19.95	19.94	19.93	19.92
87.00	19.93	19.91	19.90	19.89	19.88	19.88	19.87	19.86	19.85	19.84
88.00	19.85	19.83	19.82	19.81	19.81	19.80	19.79	19.79	19.78	19.77
89.00	19.78	19.76	19.75	19.74	19.74	19.73	19.72	19.72	19.71	19.70
90.00	19.71	19.69	19.68	19.67	19.67	19.66	19.66	19.65	19.64	19.64
91.00	19.64	19.62	19.62	19.61	19.60	19.60	19.59	19.59	19.58	19.57
92.00	19.58	19.56	19.56	19.55	19.54	19.54	19.53	19.53	19.52	19.52
93.00	19.53	19.50	19.50	19.49	19.49	19.48	19.48	19.47	19.47	19.46
94.00	19.47	19.45	19.45	19.44	19.44	19.43	19.42	19.42	19.41	19.41
95.00	19.42	19.40	19.40	19.39	19.39	19.38	19.38	19.37	19.37	19.36
96.00	19.37	19.35	19.35	19.34	19.34	19.34	19.33	19.33	19.32	19.32
97.00	19.33	19.31	19.31	19.30	19.30	19.29	19.29	19.29	19.28	19.28

Annex 69

Estimation of value lost through the use of the Kampala gold table

This annex illustrates the loss a gold seller might incur if he or she sold gold to a buyer who used the Kampala gold table (KGT).

In Table 1, the independent variable is the amount of gold being sold. The Group has chosen the amounts of 1, 5, 10 and 30 kg for gold samples because based on the Group's research, these are typical amounts that Congolese gold traders might sell to Kampala buyers.

The dependent variable is the price of gold. Given that the price of gold fluctuates (from a high of $1,693.75/troy ounce for the afternoon price on 2 January 2013, to a low of $1192.00/troy ounce for the afternoon price on 28 June 2013, according to data at http://www.kitco.com/gold.londonfix.html, downloaded 11 Nov 2013), the Group has chosen to use the average value of the morning price of gold from 1 July to 11 November 2013 (according to http://www.kitco.com/gold.londonfix.html, downloaded 11 Nov 2013), which is $1,321.06/troy ounce. For the purpose of this calculation, the Group will round the value to $1,321/troy ounce.

One troy ounce equals 31.1034768 grams. To convert the value of one troy ounce to the value of one gram of gold, the following calculation is made:

Price for 1 troy oz ÷ 31.1034768 g = $1,321 ÷ x

x = 1,321 ÷ 31.1034768

x = $42.47 gram

One gram of gold – at the London price – is assumed to be $42.47 for the purpose of this calculation. One kilogram (1,000 g) is $42.47 x 1,000 = $42,470.

Table 1. Value by weight of four gold samples

Weight (kg)	Value/kg	Total value by weight
1	$42,470	$42,470
5		$212,350
10		$424,700
30		$1,274,100

In Table 2, the actual amount of gold in a given sample is calculated. In a typical transaction, a gold seller brings ingots or raw gold to a gold buyer. The gold seller assembles this gold from numerous locations; the purity percentages of Congolese gold vary from the low/mid 80s (for amalgam gold, made from processing crushed rocks) to the low/mid 90s (for gold nuggets or dust). The left (vertical) column in Table 2 lists the weights of four hypothetical gold samples. The top row gives four different values for the true purity of the gold sample. The body of the table calculates the actual amount of gold per sample, based on the formula:

Weight of the gold sample x True purity percentage = Weight of pure gold

Table 2. Weight of pure gold for four samples based on varying purity percentages

Weight of sample (kg)	Weight at 86.0 percent purity	Weight at 88.0 percent purity	Weight at 90.0 percent purity	Weight at 92.0 percent purity
1	0.86 kg	0.88 kg	0.9 kg	0.92 kg
5	4.3 kg	4.4 kg	4.5 kg	4.6 kg
10	8.6 kg	8.8 kg	9.0 kg	9.2 kg
30	25.8 kg	26.4 kg	27.0 kg	27.6 kg

Using the above table, Table 3 calculates the value for the four different gold samples, at four different true purities. It uses the following calculation:

Total value by weight (from Table 1)

x

Weight at (86, 88, 90, 92) percent purity (from Table 2)

= True value

Table 3. True value of four gold samples for four different true purities

Weight of sample (kg)	True value of 86 percent purity sample	True value of 88 percent purity sample	True value of 90 percent purity sample	True value of 92 percent purity sample
1	$36,524.20	$37,373.60	$38,223.00	$39,072.40
5	$182,621.00	$186,868.00	$191,115.00	$195,362.00
10	$365,242.00	$373,736.00	$382,230.00	$390,724.00
30	$1,095,726.00	$1,121,208.00	$1,146,690.00	$1,172,172.00

Table 4 (below) uses information presented in Table 4 of annex 68 to present the true purity compared against the false purity as presented by the data in the KGT.

Table 4. Comparison of true purity value with KGT purity value for four hypothetical gold samples

True purity (percent)	Kampala gold table purity (percent)
86	81.2
88	84.3
90	87.4
92	90.2

Table 5 uses the information from Table 4 (above) to determine the gold value – according to the KGT – for four sample sizes, using the calculation:

Weight of the gold sample x KGT purity (Table 4) x $42,470 / kg = KGT value

Table 5. Kampala gold table value of four gold samples for four different purities using Kampala gold table purity values

Weight of the gold sample (kg)	KGT value of an 86 percent true purity sample that reads 81.2 percent in the KGT	KGT value of an 88 percent true purity sample that reads 84.3 percent in the KGT	KGT value of a 90 percent true purity sample that reads 87.4 percent in the KGT	KGT value of a 92 percent true purity sample that reads 90.2 percent in the KGT
1	$34,485.64	$35,802.21	$37,118.78	$38,307.94
5	$172,428.20	$179,011.05	$185,593.90	$191,539.70
10	$344,856.40	$358,022.10	$371,187.80	$383,074.40
30	$1,034,569.20	$1,074,066.30	$1,113,563.40	$1,149,238.20

Using the information in tables 3, 4 and 5, Table 6 calculates the true value per kilogram of a gold sample, and the value of the same gold sample using the KGT.

Table 6. Difference in value (true value v. KGT value) for one kilogram of gold for four hypothetical gold samples of varying purity

Weight of gold sample (kg)	86.0 percent true value (USD)	81.2 percent KGT value (USD)	Value of loss by seller (USD)
1	$36,524.20	$34,485.64	**$2,038.56**
5	$182,621.00	$172,428.20	**$10,192.80**
10	$365,242.00	$344,856.40	**$20,385.60**
30	$1,095,726.00	$1,034,569.20	**$61,156.80**
	88.0 percent true value (USD)	**84.3 percent KGT value (USD)**	**Amount of loss by seller (USD)**
1	$37,373.60	$35,802.21	**$1,571.39**
5	$186,868.00	$179,011.05	**$7,856.95**
10	$373,736.00	$358,022.10	**$15,713.90**
30	$1,121,208.00	$1,074,066.30	**$47,141.70**
	90.0 percent true value (USD)	**87.4 percent KGT value (USD)**	**Amount of loss by seller (USD)**
1	$38,223.00	$37,118.78	**$1,104.22**
5	$191,115.00	$185,593.90	**$5,521.10**
10	$382,230.00	$371,187.80	**$11,042.20**
30	$1,146,690.00	$1,113,563.40	**$33,126.60**
	92.0 percent true value (USD)	**90.2 percent KGT value (USD)**	**Amount of loss by seller (USD)**
1	$39,072.40	$38,307.94	**$764.46**
5	$195,362.00	$191,539.70	**$3,822.30**
10	$390,724.00	$383,074.40	**$7,649.60**
30	$1,172,172.00	$1,149,238.20	**$22,933.80**

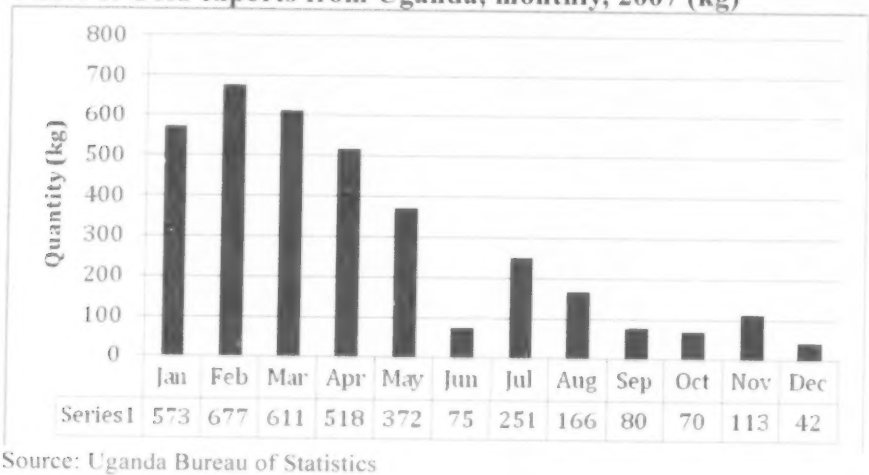
Table 6 shows that a gold seller who brought a 10 kg sample of 86 percent purity gold to the Kampala gold buyer using the KGT would lose $20,386 in the transaction because of the false values in the KGT.

Annex 70

Estimated additional monetary gain by gold buyers using the Kampala gold table

This annex builds upon the previous two annexes to demonstrate the additional monetary gain derived by a gold buyer who uses the false values contained in the Kampala gold table (KGT). To obtain an estimate that approximates reality, the Group has chosen to calculate values based on 2006, which was the last year that Uganda's gold market functioned formally and legally. In March 2007, the UN Security Council imposed sanctions on Uganda's two largest gold exporters: Uganda Commercial Impex (UCI) and Machanga. After this point, Uganda's gold exports dropped precipitously, as shown in the following chart. Uganda's gold exports have remained low since 2007, because the market went underground (see also S/2013/433, annex 71).

Chart 1. Gold exports from Uganda, monthly, 2007 (kg)



Source: Uganda Bureau of Statistics

In 2006, Uganda officially exported 6,936.12 kg of gold. Table 1 shows the annual export volumes for the three largest exporters for that year.

Table 1. Gold exports by Uganda's three largest exporting companies, 2006 (kg)

Company	Annual export weight (kg)	Average weekly export weight (kg)
Uganda Commercial Impex Limited	3,690.0	71.0
Machanga Limited	2,201.4	42.3
A.P. Bhimji Limited	517.7	9.9
TOTAL	**6,409.1**	-

Using the data in Table 1, in Table 2 the Group estimates the true gold weight for these export volumes assuming purities of 86, 88, 90, and 92 percent.

Table 2 shows that three hypothetical gold buyers using the KGT would essentially be skimming 115-307 kg per year from gold sellers. If they all bought gold averaging 88 percent true purity, they would take 237 kg of free gold from gold sellers, because the KGT has false values for gold purity based on gold density.

Using the data in Table 2, Table 3 calculates the additional monetary gain that three hypothetical companies exporting gold – legally or illegally – would acquire by using the Kampala gold table instead of paying the true value based on the true purity (assuming weights were true; i.e. scales were properly calibrated). This calculation builds upon the data in annexes 63 and 71 – specifically the estimated price of one kilogram of gold ($42,470) based on the 1 July to 11 November 2013 average gold price, and the export volumes of Uganda's three largest exporters during 2006.

Table 3. Additional annual monetary gain by three hypothetical gold buyers using the KGT (USD)

	Weight (kg)	True value based on 86 percent true purity (USD)	Kampala gold table value based on 81.2 percent KGT purity (USD)	Additional gain by gold buyer using the KGT (USD)
Company 1	3,690.00	134,774,298.00	127,252,011.60	**7,522,286.40**
Company 2	2,201.40	80,404,373.88	75,916,687.90	**4,487,685.98**
Company 3	517.70	18,908,578.34	17,853,215.83	**1,055,362.51**
TOTAL	**6,409.10**	**234,087,250.20**	**221,021,915.30**	**13,065,334.90**
	Weight (kg)	**True value based on 88 percent true purity (USD)**	**Kampala gold table value based on 84.3 percent KGT purity (USD)**	**Additional gain by gold buyer using the KGT (USD)**
Company 1	3,690.00	137,908,584.00	132,110,154.90	**5,798,429.10**
Company 2	2,201.40	82,274,243.04	78,814,985.09	**3,459,257.95**
Company 3	517.70	19,348,312.72	18,534,804.12	**813,508.60**
TOTAL	**6,409.10**	**239,531,139.80**	**229,459,944.10**	**10,071,195.65**
	Weight (kg)	**True value based on 90 percent true purity (USD)**	**Kampala gold table value based on 87.4 percent KGT purity (USD)**	**Additional gain by gold buyer using the KGT (USD)**
Company 1	3,690.00	141,042,870.00	136,968,298.20	**4,074,571.80**
Company 2	2,201.40	84,144,112.20	81,713,282.29	**2,430,829.91**
Company 3	517.70	19,788,047.10	19,216,392.41	**571,654.69**
TOTAL	**6,409.10**	**244,975,029.30**	**237,897,972.90**	**7,077,056.40**

Table 2. Additional annual gain by three theoretical gold buyers using the KGT (kg)

	Weight (kg)	True weight based on 86.0 percent true quality (kg)	Weight based on 81.2 KGT quality (kg)	Additional gain by gold buyers using the KGT (kg)
Company 1	3,690.00	3,173.4	2,996.28	**177.1200**
Company 2	2,201.40	1,893.204	1,787.5368	**105.6672**
Company 3	517.7	445.222	420.3724	**24.8496**
TOTAL	6,409.1	5,511.826	5,204.1892	**307.6368**
	Weight (kg)	**True weight based on 88.0 percent true quality (kg)**	**Weight based on 84.3 KGT quality (kg)**	**Additional gain by gold buyers using the KGT (kg)**
Company 1	3,690.00	3,247.2	3,110.67	**136.5300**
Company 2	2,201.40	1,937.232	1,855.7802	**81.4518**
Company 3	517.7	455.576	436.4211	**19.1549**
TOTAL	6,409.1	5,640.008	5,402.8713	**237.1367**
	Weight (kg)	**True weight based on 90.0 percent true quality (kg)**	**Weight based on 87.4 KGT quality (kg)**	**Additional gain by gold buyers using the KGT (kg)**
Company 1	3,690.00	3,321.00	3,225.06	**95.9400**
Company 2	2,201.40	1,981.26	1,924.0236	**57.2364**
Company 3	517.7	465.93	452.4698	**13.4602**
TOTAL	6,409.1	5,768.19	5,601.5534	**166.6366**
	Weight (kg)	**True weight based on 92 percent true quality (kg)**	**Weight based on 90.2 KGT quality (kg)**	**Additional gain by gold buyers using the KGT (kg)**
Company 1	3,690.00	3,394.8	3,328.38	**66.4200**
Company 2	2,201.40	2,025.288	1,985.6628	**39.6252**
Company 3	517.7	476.284	466.9654	**9.3186**
TOTAL	6,409.1	5,896.372	5,781.0082	**115.3638**

	Weight (kg)	True value based on 92 percent true purity (USD)	Kampala gold table value based on 90.2 percent KGT purity (USD)	Additional gain by gold buyer using the KGT (USD)
Company 1	3,690.00	144,177,156.00	141,356,298.60	**2,820,857.40**
Company 2	2,201.40	86,013,981.36	84,331,099.12	**1,682,882.24**
Company 3	517.70	20,227,781.48	19,832,020.54	**395,760.94**
TOTAL	**6,409.10**	**250,418,918.80**	**245,519,418.30**	**4,899,500.50**

Table 3 shows that gold buyers using the Kampala gold table would derive hundreds of thousands – or even millions – of dollars in additional revenue because the KGT contains false values for gold purity based on gold density.

Assuming the volume of Uganda's gold exports have maintained the same level, *and* assuming that Uganda's three largest export companies continue to export at approximately the same volumes and in the same ratios, *and* assuming that all three of Uganda's gold exporters use the KGT, Table 3 indicates that the gold buyers obtain the greatest additional gain the lower the quality of the gold they buy. Buyers would derive over $13 million additional in revenue – or cheat gold sellers out of the same amount – when purchasing gold that has a true quality of 86 percent. The additional revenue drops to nearly $5 million for gold of 92 percent true quality.

Annex 71
Uganda, gold imports, exports, and smuggling, 2013

According to Ugandan government statistics, between 1997 and 2006 – during the height of the Congo wars – Uganda exported an average of 5,617 kg each year of mainly Congolese gold. In 2012, Uganda officially exported only 256 kg of gold (see S/2013/433, Annex 71).

On 28 November, the Government of Uganda provided the Group with information about gold imports and exports during 2013. This table is based on the assumption that Uganda's gold production and export values are the same as in 2006, when Uganda last had a functioning, legal gold trade. In 2007, the UN imposed sanctions on Uganda's two largest gold exporters, leading to a precipitous decline in official exports.

In 2006, Uganda exported 6,936.12 kg of gold. According to statistics from the Uganda Mines Division (Annual Report 2006), Uganda produced 21.92 kg of gold, and imported 6,066.28 kg of gold. If companies exported the total production and import, there was still a gap of 847.92 kg of gold.

Table 1 presents Uganda's gold exports for 2013. The data provided to the Group by the Government of Uganda included a value for each export in Ugandan Shillings; however, the Group has converted those values into U.S. dollars using a conversion rate of 2,500 USh = $1. Thus, unlike the estimated values based on different gold purities used in other gold annexes, this Table presents the actual value of the exported gold based on the conversion from shillings to dollars.

Table 1. Uganda, gold exports, January – November 2013

Date	Company	Origin	Destination	Quantity (kg)	Value (USD)
1 Feb	Mineral Impex (U) Ltd	Southern Sudan	Middle East	80.00	4,535,475.97
26 Mar	Silver Mineral Ltd	Southern Sudan	United Arab Emirates	36.00	1,925,727.75
12 Apr	Niki Rush Mining Group Ltd	Moroto , Uganda	Japan	2.00	111,648.74
22 Apr	Borderless (U) ltd	Busia, Uganda	Republic of Macedonia	0.62	27,124.50
10 May	Somdiam Ltd	Mubende, Uganda	United Arab Emirates	1.44	64,644.14
19 Jul	West Corp Mining Ltd	South Sudan	United Arab Emirates	40.80	1,808,173.77
1 Aug	Aersud (U) Ltd	Mubende, Uganda	South Africa	0.07	2,969.01
TOTAL	-	-	-	**160.93**	**8,475,763.88**

Table 1 shows that Uganda exported approximately 161 kg of gold worth $8.5 million. The table also shows that 156.80 kg of the exports originated from South Sudan, while 4.13 kg originated from Uganda.

Table 2 shows Uganda's gold imports for part of 2013. The data provided to the Group by the Government of Uganda included the value for each import in Ugandan Shillings; however, the Group has converted those values into U.S. dollars using a conversion rate of 2,500 USh = $1. Note that there was no value provided for the 30 May import of 2.0 kg by Ropir Ltd.; thus, the total value presented below excludes the value of the Ropir import.

Table 2. Uganda, gold imports, January – November 2013

Date	Company	Origin	Quantity (kg)	Value (USD)
31 Jan.	Mineral Impex (U) Ltd	Southern Sudan	80.00	4,535,475.97
20 Mar.	Silver Minerals Ltd	Southern Sudan	10.00	534,924.38
21 Mar.	Silver Minerals Ltd	Southern Sudan	30.00	1,604,773.13
30 May	Ropir (U) Ltd	USA	2.00	-
15 Jul.	West Corp Mining Ltd	Southern Sudan	40.80	1,808,173.77
TOTAL	-	-	**162.80**	**1,808,173.77**

Uganda levies a tax of 1 percent on gold exports originating from other countries, and a tax of 0.5 percent on gold exports originating from Uganda. Table 3 shows Uganda's estimated tax based on the value and origin of 2013 gold exports.

Table 3. Estimated tax of Uganda gold exports, January – November 2013

Origin	Quantity (kg)	Value (USD)	Tax rate (percent)	Tax (USD)
South Sudan	156.80	8,269,377.49	1.0	82,693.77
Uganda	4.13	206,386.40	0.5	1,031.93
TOTAL	**160.93**	**8,475,763.89**	-	**83,725.70**

NB – Due to rounding, the total value in Table 3 is $0.01 higher than the value in Table 1.

Table 4 estimates the total tax Ugandan gold exporters would have paid in 2013 based on the level of the 2006 trade, for gold originating from outside of Uganda, which is taxed at 1 percent. The Tables uses gold values based determined in annex [Gold price 2013]. The table is based on the assumption that Uganda's actual exports for 2013 took place at the same proportion as the official exports, in accordance with the following formulae:

$$4.13 / 160.93 = 0.026 \text{ or } 2.6 \text{ percent}$$

$$156.80 / 160.93 = 0.974 \text{ or } 97.4 \text{ percent}$$

Thus, Table 4 assumes that 2.6 of total exports were from Ugandan production (and taxed at 0.5 percent), and 97.4 percent of exports were from foreign gold (and taxed at 1 percent). Based on 2006 exports, this translates into an estimated 180.34 kg of gold produced in Uganda, and 6,755.78 kg of foreign gold. The monthly averages would therefore be 15.03 kg for Ugandan gold, and 562.98 kg for foreign gold.

Table 4. Estimated value of domestic gold exported from Uganda in 2013, based on four gold purity values, and on 2006 exports (kg)

Month	Average price (USD)	Quantity (kg)	Value based on 86 percent gold purity (USD)	Value based on 88 percent gold purity (USD)	Value based on 90 percent gold purity (USD)	Value based on 92 percent gold purity (USD)
Jan	51,401.01	15.03	664,399.18	679,850.32	695,301.46	710,752.61
Feb	52,378.07	15.03	677,028.46	692,773.31	708,518.15	724,263.00
Mar	51,182.06	15.03	661,569.07	676,954.40	692,339.73	707,725.05
Apr	47,759.61	15.03	617,331.17	631,687.71	646,044.24	660,400.78
May	45,487.52	15.03	587,962.59	601,636.13	615,309.68	628,983.23
Jun	43,163.34	15.03	557,920.70	570,895.60	583,870.50	596,845.40
Jul	41,331.07	15.03	534,237.14	546,661.26	559,085.38	571,509.50
Aug	43,277.16	15.03	559,391.91	572,401.03	585,410.14	598,419.26
Sep	43,359.46	15.03	560,455.71	573,489.56	586,523.42	599,557.27
Oct	42,287.56	15.03	546,600.54	559,312.18	572,023.82	584,735.46
Nov	41,670.90	15.03	538,629.72	551,155.99	563,682.26	576,208.54
Dec	42,385.29	15.03	547,863.78	560,604.80	573,345.82	586,086.84
TOTAL	-	**180.36***	**7,053,389.97**	**7,217,422.29**	**7,381,454.60**	**7,545,486.94**

* Due to rounding, this total is 0.02 kg higher than the value named above for estimated 2013 Ugandan gold exports from domestic production.

Table 5. Estimated tax Uganda should have collected in 2013 for domestic gold production, based on 2006 exports (kg)

Month	Average price (USD)	Quantity (kg)	Tax value based on 86 percent gold purity (USD)	Tax value based on 88 percent gold purity (USD)	Tax value based on 90 percent gold purity (USD)	Tax value based on 92 percent gold purity (USD)
Jan	51,401.01	15.03	3,322.00	3,399.25	3,476.51	3,553.76
Feb	52,378.07	15.03	3,385.14	3,463.87	3,542.59	3,621.32
Mar	51,182.06	15.03	3,307.85	3,384.77	3,461.70	3,538.63
Apr	47,759.61	15.03	3,086.66	3,158.44	3,230.22	3,302.00
May	45,487.52	15.03	2,939.81	3,008.18	3,076.55	3,144.92
Jun	43,163.34	15.03	2,789.60	2,854.48	2,919.35	2,984.23
Jul	41,331.07	15.03	2,671.19	2,733.31	2,795.43	2,857.55
Aug	43,277.16	15.03	2,796.96	2,862.01	2,927.05	2,992.10
Sep	43,359.46	15.03	2,802.28	2,867.45	2,932.62	2,997.79
Oct	42,287.56	15.03	2,733.00	2,796.56	2,860.12	2,923.68
Nov	41,670.90	15.03	2,693.15	2,755.78	2,818.41	2,881.04
Dec	42,385.29	15.03	2,739.32	2,803.02	2,866.73	2,930.43
TOTAL	-	**180.36***	**35,266.95**	**36,087.11**	**36,907.27**	**37,727.43**

Table 6. Estimated value of foreign gold exported from Uganda in 2013, based on four gold purity values, and based on 2006 exports (kg)

Month	Average price (USD)	Quantity (kg)	Value based on 86 percent gold purity (USD)	Value based on 88 percent gold purity (USD)	Value based on 90 percent gold purity (USD)	Value based on 92 percent gold purity (USD)
Jan	51,401.01	562.98	24,886,456.92	25,465,211.74	26,043,966.55	26,622,721.36
Feb	52,378.07	562.98	25,359,513.03	25,949,269.15	26,539,025.26	27,128,781.38
Mar	51,182.06	562.98	24,780,449.48	25,356,739.00	25,933,028.52	26,509,318.05
Apr	47,759.61	562.98	23,123,426.50	23,661,180.61	24,198,934.71	24,736,688.82
May	45,487.52	562.98	22,023,365.05	22,535,536.33	23,047,707.61	23,559,878.89
Jun	43,163.34	562.98	20,898,083.55	21,384,085.49	21,870,087.44	22,356,089.38
Jul	41,331.07	562.98	20,010,966.58	20,476,337.89	20,941,709.21	21,407,080.53
Aug	43,277.16	562.98	20,953,190.96	21,440,474.47	21,927,757.98	22,415,041.49
Sep	43,359.46	562.98	20,993,037.56	21,481,247.74	21,969,457.91	22,457,668.09
Oct	42,287.56	562.98	20,474,063.45	20,950,204.47	21,426,345.48	21,902,486.49
Nov	41,670.90	562.98	20,175,499.62	20,644,697.29	21,113,894.95	21,583,092.62
Dec	42,385.29	562.98	20,521,380.69	20,998,622.10	21,475,863.51	21,953,104.92
TOTAL	-	**6755.76**	**264,199,433.39**	**270,343,606.28**	**276,487,779.13**	**282,631,952.02**

Table 7. Estimated tax Uganda should have collected in 2013 for exports of foreign gold, based on 2006 exports (kg)

Month	Average price (USD)	Quantity (kg)	Tax value based on 86 percent gold purity (USD)	Tax value based on 88 percent gold purity (USD)	Tax value based on 90 percent gold purity (USD)	Tax value based on 92 percent gold purity (USD)
Jan	51,401.01	562.98	248,864.57	254,652.12	260,439.67	266,227.21
Feb	52,378.07	562.98	253,595.13	259,492.69	265,390.25	271,287.81
Mar	51,182.06	562.98	247,804.49	253,567.39	259,330.29	265,093.18
Apr	47,759.61	562.98	231,234.27	236,611.81	241,989.35	247,366.89
May	45,487.52	562.98	220,233.65	225,355.36	230,477.08	235,598.79
Jun	43,163.34	562.98	208,980.84	213,840.85	218,700.87	223,560.89
Jul	41,331.07	562.98	200,109.67	204,763.38	209,417.09	214,070.81
Aug	43,277.16	562.98	209,531.91	214,404.74	219,277.58	224,150.41
Sep	43,359.46	562.98	209,930.38	214,812.48	219,694.58	224,576.68
Oct	42,287.56	562.98	204,740.63	209,502.04	214,263.45	219,024.86
Nov	41,670.90	562.98	201,755.00	206,446.97	211,138.95	215,830.93
Dec	42,385.29	562.98	205,213.81	209,986.22	214,758.64	219,531.05
TOTAL	-	**6755.76**	**2,641,994.33**	**2,703,436.06**	**2,764,877.79**	**2,826,319.52**

Table 8 uses data from the above tables, and estimates the levels of smuggled gold, the value of smuggled gold, and the lost tax revenue due to gold smuggling for 2013. The Ugandan

government provided the Group with export statistics for January to November, so the Table below is based on an average monthly export quantity, and then an annual quantity based on that monthly quantity, determined using the following formulae:

160.93 / 11 = 14.63 average monthly export quantity

14.63 x 12 = 175.56

The Group also estimated a total value for actual gold exports based on the average monthly value, calculated using the following formulae:

8,475,763.89 / 11 = 770,523.99

770,523.99 x 12 = 9,246,287.88

The Ugandan government gave the Group the actual value of gold exports for 2013; however, to determine the estimated value of total 2013 gold exports to make a comparison with the actual value, the Group has used the average value for the 86 to 92 percent purity dollar values for the domestic and foreign estimated exports values, and then added these sums together:

7,299,438.45 (domestic) + 273,415,692.71 (foreign) = 280,715,131.16

The Table below also estimates the level of taxes Uganda should collect in 2013, for actual exports based on January-November actual exports:

83,725.70 / 11 = 7,611.43

7,611.43 x 12 = 91,337.16

To determine the estimated value of total 2013 taxes on gold exports to make a comparison with the actual value, the Group has used the average value for the 86 to 92 percent purity dollar values for the domestic and foreign estimated tax values, and then added these sums together:

36,497.19 (domestic) + 2,734,156.93 (foreign) = 2,770,654.12

Table 8. Estimated amount and value of smuggled gold, as well as lost tax revenue, Uganda, 2013

Estimated gold exports, 2013, based on 2006 export levels (kg)	Estimated actual gold exports, 2013 (kg)	Estimated amount of smuggled gold, 2013 (kg)
6,936.12	175.56	**6,760.56**
Estimated value of exports of domestic foreign gold, 2013, based on 2006 production levels (USD)	**Estimated actual gold export value, 2013 (USD)**	**Estimated value of smuggled gold, 2013 (USD)**
280,715,131.16	9,246,287.88	**271,468,843.28**
Estimated total gold tax based on estimated gold export value, 2013 (USD)	**Estimated total actual gold tax value, 2013 (USD)**	**Estimated total lost tax revenue for gold due to smuggling, 2013 (USD)**
2,770,654.12	91,337.16	**2,679,316.96**

Table 8 estimates that 6,761 kg of gold are smuggled out Uganda in 2013; thus an estimated 97.5 percent of domestic and foreign gold is smuggled out of Uganda. Table 8 also shows that the estimated value of gold smuggled out of Uganda during 2013 is approximately $271 million. Based on the estimated value of the smuggled gold, the Ugandan people lost an estimated $2.7 million in tax revenue during 2013.

Annex 72

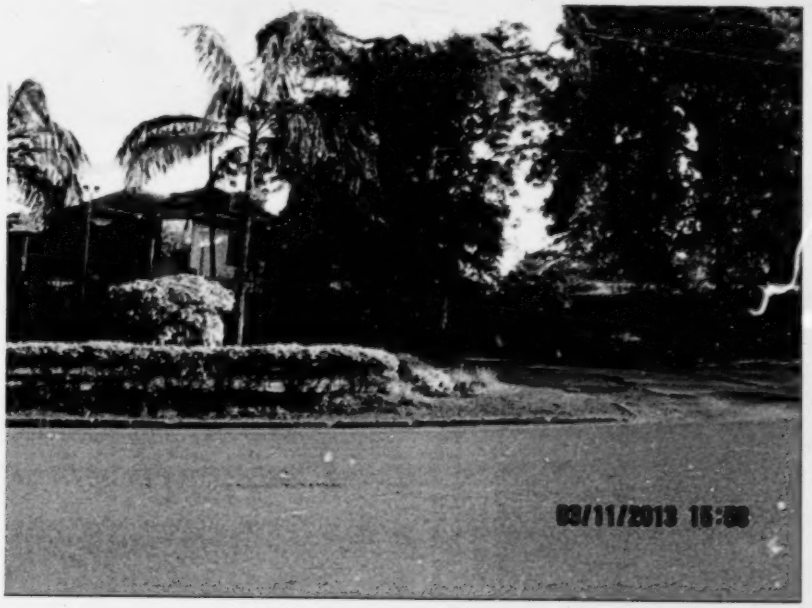
Chuni's gold buying house, Plot 22 Kanjokya St., Kampala (photos by the Group of Experts)

This is Chuni's primary location to purchase gold. Aurum Roses, Plot 22 Kanjokya Street in Kampala (GPS coordinates: North 0 20.450, East 32 35.405), is registered to Jamnadas V. Lodhia, aka Chuni, and his two sons, Jitendra J. Lodhia and Kunal J. Lodhia, who are also Kenyan nationals. Chuni also owns the Hotel International on Tank Hill Road in the Muyenga area of Kampala. The Aurum Roses gate and a palm tree inside the compound with a video camera affixed to it.

Another view shows two video cameras on the tree inside the Aurum Roses compound.

Annex 73

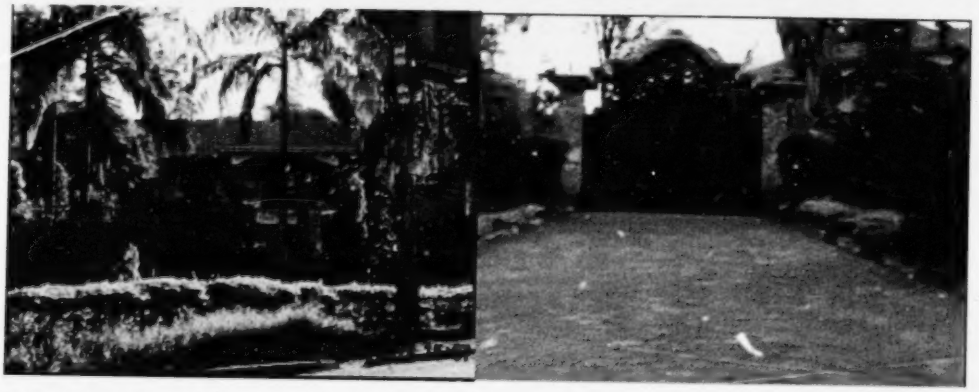
Raju's gold buying house, Plot 55b, Upper Kololo Terrace, Kampala (photos by the Group of Experts)



The brown gate is the entrance to Plot 55b, Upper Kololo Terrace, Kampala (GPS coordinates: North 0 19.650, East 32 36.113), where Raju's employees buy gold. Raju's house is visible to the left, next door.

A close-up of the gate at Plot 55b (from the above image).

On 17 October, at 1726h, three chauffer-driven cars sit outside the gate at Plot 55b (still images from a video).



Raju's house (left) and an image of the front gate of his house (right, still from a video), next door to Plot 55b.

Annex 74

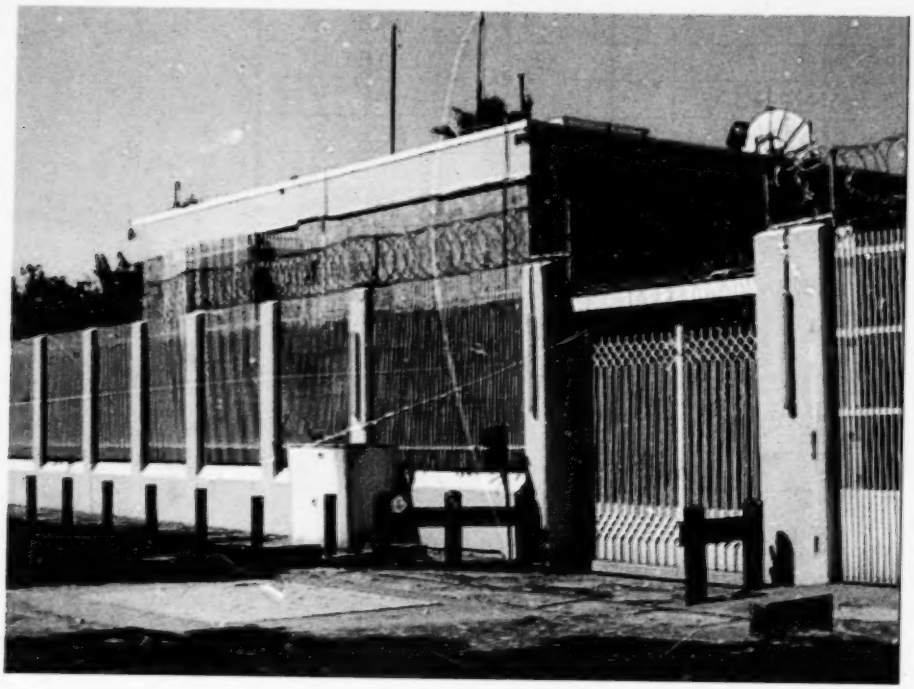
Gold exports from Burundi, January-October 2013

Name/comptoir	Weight (kg)	Destination
NIYONKURU NICAISE	49	UAE
NTAHANGWA SPRL	590	UAE
NZEYIMANA JEAN CLAUDE	3	UAE
NZEYIMANA J. CLAUDE	61	UAE
GOLDEN GOLD SPRL	477	UAE
S.C.E.E.M.B SPRL	680	UAE
MAX GLOBAL SPRL	119	UAE
ETS JEAN JBEILI SURL	45	UAE/Kenya/Lebanon
BETHEX GROUP	56	UAE
GLDEN STAR INVESTMENT	10	UAE
AMIGO MINERALS EXPLORATION	68	UAE
AIRMORE LTD	23	UAE
GLOBAL	18	UAE
OMNI-DISTRIBUTION	71	UAE
KORERAHAMWE	7	UAE
BURUNDI GOLD EXPORT SA	176	UAE
HIGH SPEED COMPANY	74	UAE
NIVID IMPORT EXPORT	12	UAE
TOTAL EXPORT	**2.539**	-

Source: Burundi Customs

Annex 75

Jbeilicomptoir in Bujumbura, located in the former US embassy (photo taken in November by the Group of Experts)



Annex 76

Burundi official declaration document for gold export by Etablissements Jean Jbeili

DECLARATION N° 106 /2013 POUR L'EXPORTATION DE L'OR

1. Nom et Adresse du comptoir	: Etablissements Jean Jbeili SUARL
2. N° et Date d'Agrément	: 03/2013
3. Nom et adresse du représentant au Burundi	: Amine El Kouseifi, Kiri, Avenue Belvedere N°20
4. Numéro d'exportation	: 3
5. Poids net en kilogramme	: 4,849 kg
6. Teneur (en %)	: 91%
7. Cours de l'or au fixing de clôture à Londres (la ville)	: 1446,24 USD
8. Valeur à l'exportation (en toutes lettres)	: 225.478,50 USD soit deux cents vingt-cinq mille quatre cent septante huit dollars américains et cinquante centimes.
9. Taxe ad-valorem minière de 0,3%(en chiffres et en toutes lettres)	: 676,43 USD, soit six cents septante six dollars américains et quarante-trois centimes
10. Droit de sortie de 0,2%(en chiffres et en toutes lettres)	: 450,95 USD soit quatre cents cinquante dollars américains et nonante cinq centimes
11. Compagnie de Transport	: Rwandair
12. Bureau douanier de sortie	: Aéroport de Bujumbura
13. Lettre de Transport	: Bagage accompagné
14. Coursier	: Alexey Kostnikov, passport 4532250
15. Numéro et date de vol	: 26/04/2013

Je soussigné Amine El Kouseifi, en tant que représentant des établissements Jean Jbeili, atteste par la présente que les informations fournies ci-dessus sont sincères et conformes à la réalité.

Fait à Bujumbura, le 26 / 04 / 2013

(Signature et cachet de l'exportateur)

Accord de l'Exportateur

Services des Mines

PAFE

Services des Douanes

DSR AL 003017

le 26/04/2013

This document shows that Etablissements Jean Jbeili exported gold during 2013, in contradiction to its claim to the Group that it had not exported any gold this year.

Annex 77

Jafaar gold shop in Kigoma (photo taken in August by the Group of Experts)

Annex 78

MaulidSeifKuziga's shop in Kigoma(photo taken in August by Group of Experts)

Annex 79

Due diligence on 3Ts

Validation exercises

Congolese mining authorities, MONUSCO, and the German Institute for Geosciences and Natural Resources (BGR) have validated 41 tin mines and 3 gold mines in Maniema, and validated 6 tin mines and one tungsten mine in South Kivu.

On 5 July, the DRC Ministry of Mines asked the Governor of Maniema to begin validation of mines (see below).

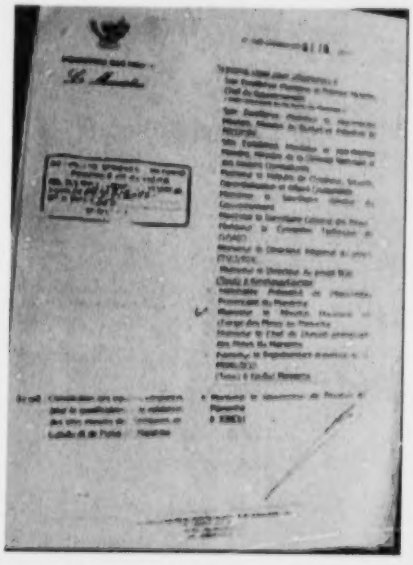
In North Kivu, there are no validated mines. In July 2011, 11 mines were validated in Rubaya, North Kivu; however, they have not been re-validated. On two occasions during 2013, the validation team was scheduled to go to Bisie, but when Mai MaiSheka moved in that direction, the validation mission was cancelled. Mai MaiSimbaisalso close to Bisie.

Centres de négoces and Sales points (points de vente)

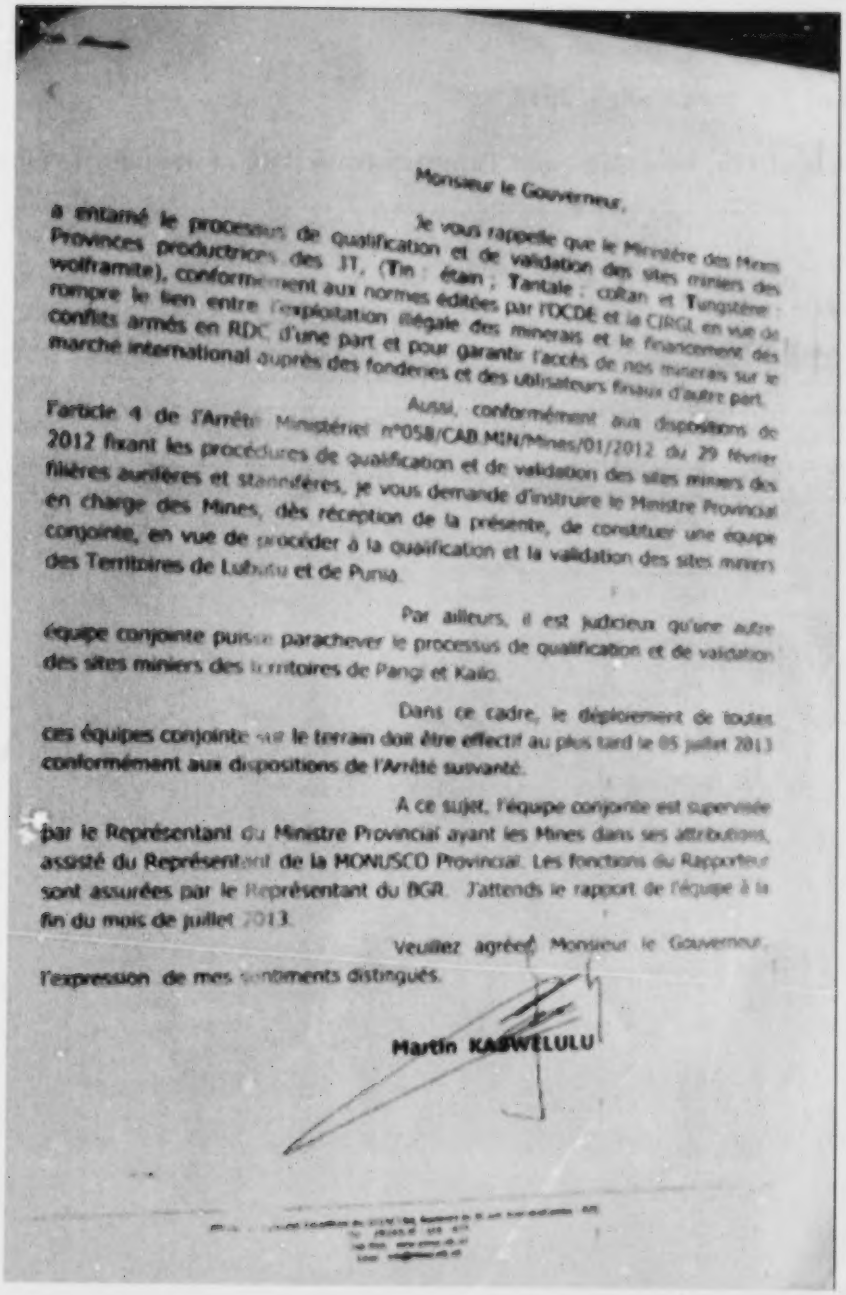
Donors have moved away from the Centre de négoce approach and are favoring the construction of Sales Points closer to mines to facilitate transactions between miners and traders in a bid to minimise fraud. USAID in partnership with the International Organization for Migration (IOM) and JMAC MONUSCO are currently working towards building the first Sales Point in Nyabibwe.

ICGLR certificate

On 24 July, the DRC was the first country in the region to announce that they would start using the ICGLR certificate for conflict free mineral exports. At the time this report was completed, they had not started issuing certificates.



Maniema Mines Ministry request for validation.



Monsieur le Gouverneur,

Je vous rappelle que le Ministère des Mines a entamé le processus de qualification et de validation des sites miniers des Provinces productrices des 3T, (Tin : étain ; Tantale : coltan et Tungstène : wolframite), conformément aux normes éditées par l'OCDE et la CIRGL en vue de rompre le lien entre l'exploitation illégale des minerais et le financement des conflits armés en RDC d'une part et pour garantir l'accès de nos minerais sur le marché international auprès des fonderies et des utilisateurs finaux d'autre part.

Aussi, conformément aux dispositions de l'article 4 de l'Arrêté Ministériel n°058/CAB.MIN/Mines/01/2012 du 29 février 2012 fixant les procédures de qualification et de validation des sites miniers des filières aurifères et stannifères, je vous demande d'instruire le Ministre Provincial en charge des Mines, dès réception de la présente, de constituer une équipe conjointe, en vue de procéder à la qualification et la validation des sites miniers des Territoires de Lubutu et de Punia.

Par ailleurs, il est judicieux qu'une autre équipe conjointe puisse parachever le processus de qualification et de validation des sites miniers des territoires de Pangi et Kailo.

Dans ce cadre, le déploiement de toutes ces équipes conjointe sur le terrain doit être effectif au plus tard le 05 juillet 2013 conformément aux dispositions de l'Arrêté suivanté.

A ce sujet, l'équipe conjointe est supervisée par le Représentant du Ministre Provincial ayant les Mines dans ses attributions, assisté du Représentant de la MONUSCO Provincial. Les fonctions du Rapporteur sont assurées par le Représentant du BGR. J'attends le rapport de l'équipe à la fin du mois de juillet 2013.

Veuillez agréer, Monsieur le Gouverneur, l'expression de mes sentiments distingués.

Martin KABWELULU

Annex 80

Export of 3Ts from Congo, 2013

Table 1. Exports of Tin, Tantalum, and Tungsten from DRC, 1 January to 30 September 2013

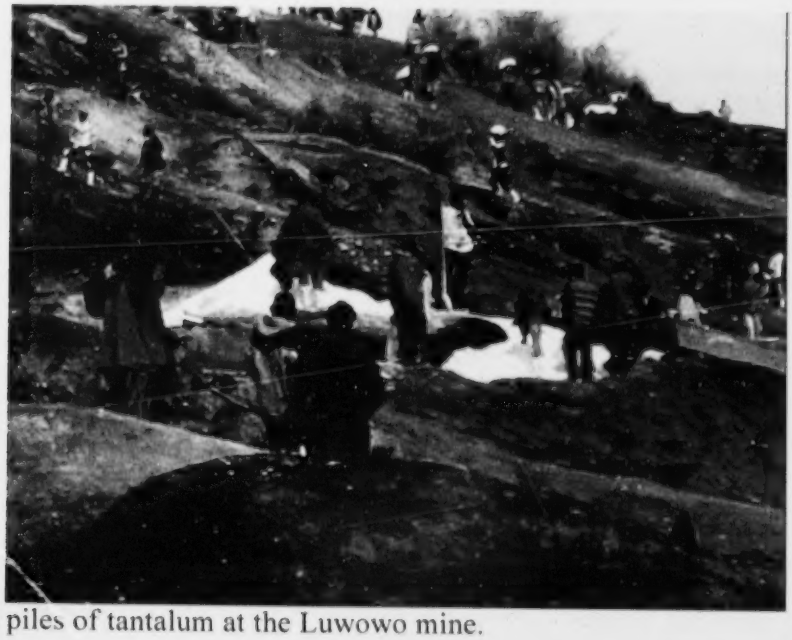
	Tin		Tantalum		Tungsten	
City	Weight (kg)	Value (USD)	Weight (kg)	Value (USD)	Weight (kg)	Value (USD)
Goma	620,946	4,822,774	139,258	3,936,355	0	0
Bukavu	839,865	6,284,209	0	0	0	0
Kindu	1,233,500	9,378,147	0	0	35,000	115,797
Katanga	2,694,280	23,118,006	319,676	8,897,694	60,231	9,035
Butembo	0	0	0	0	0	0
TOTAL	**5,388,591**	**43,603,136**	**458,934**	**12,834,049**	**95,231**	**124,832**

Source: CEEC

Annex 81

Luwowo tantalum mine, Masisi territory, North Kivu (photos by the Group of Experts)

The Luwowo tantalum mine.



White piles of tantalum at the Luwowo mine.

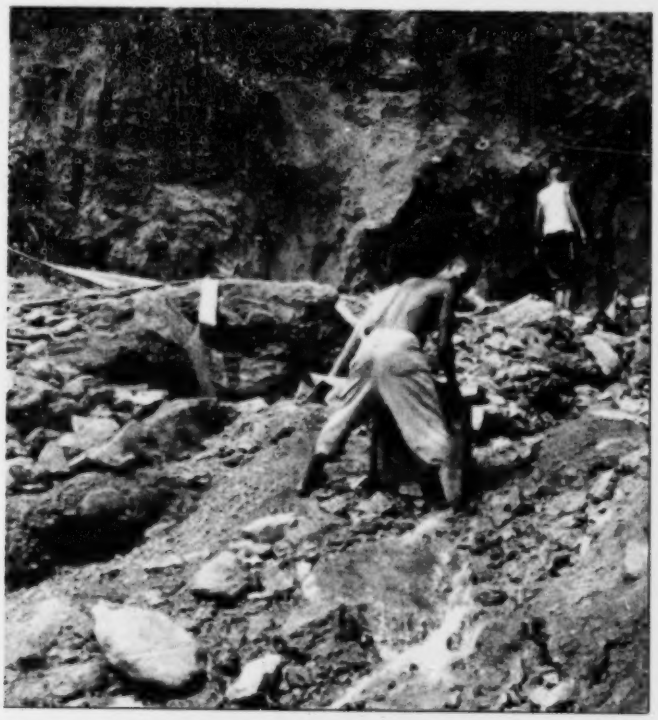
Annex 82

Smuggling route, Goma

One of the mineral smuggling routes out of Goma at the ITG cemetery (picture taken in August by the Group of Experts).

Annex 83

Illegal mining at Bisie(picture taken by independent researcher in late August)

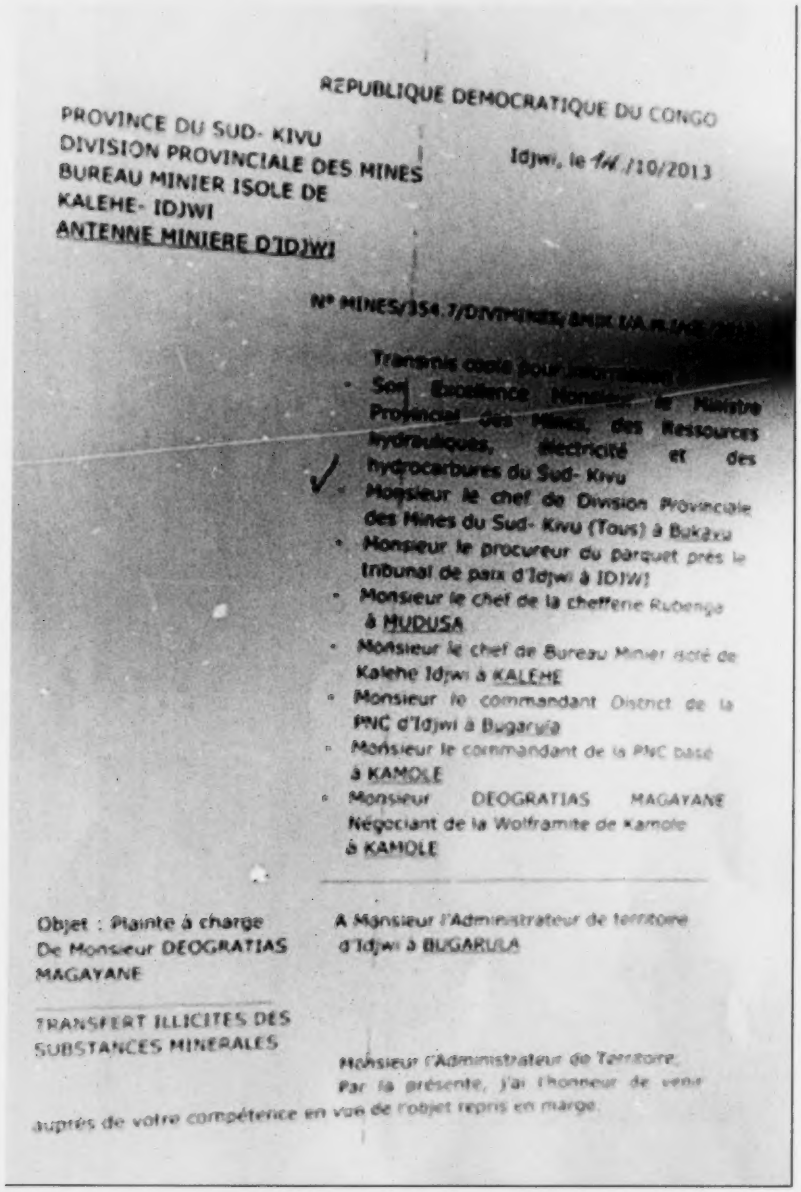


Miners at Bisie's "15 minutes" mine

Porters transporting tin ore from Bisie to Njingala

Annex 84

Letter from the Chef d'Antenne mine of Idjwi to South Kivu Mines authorities for smuggling of Wolframite out of the Island of Idjwi by DeogratiasMagayane



REPUBLIQUE DEMOCRATIQUE DU CONGO

PROVINCE DU SUD- KIVU
DIVISION PROVINCIALE DES MINES
BUREAU MINIER ISOLE DE
KALEHE- IDJWI
ANTENNE MINIERE D'IDJWI

Idjwi, le 14 /10/2013

N° MINES/354.7/DIVMINES/BMIK I/A-M/AGE/2013

Transmis copie pour information à :

- Son Excellence Monsieur le Ministre Provincial des Mines, des Ressources hydrauliques, électricité et des hydrocarbures du Sud- Kivu
- Monsieur le chef de Division Provinciale des Mines du Sud- Kivu (Tous) à Bukavu
- Monsieur le procureur du parquet près le tribunal de paix d'Idjwi à IDJWI
- Monsieur le chef de la chefferie Rubenga à MUDUSA
- Monsieur le chef de Bureau Minier isolé de Kalehe Idjwi à KALEHE
- Monsieur le commandant District de la PNC d'Idjwi à Bugarula
- Monsieur le commandant de la PNC basé à KAMOLE
- Monsieur DEOGRATIAS MAGAYANE Négociant de la Wolframite de Kamole à KAMOLE

Objet : Plainte à charge De Monsieur DEOGRATIAS MAGAYANE

TRANSFERT ILLICITES DES SUBSTANCES MINERALES

A Monsieur l'Administrateur de territoire d'Idjwi à BUGARULA

Monsieur l'Administrateur de Territoire,

Par la présente, j'ai l'honneur de vous auprès de votre compétence en vue de l'objet repris en marge.

Je suis informé d'une source sûre que, dans la nuit du dimanche le 6ème jour du mois d'octobre, le nommé DEOGRATIAS MAGAYANE a transporté illicitement une quantité importante des substances Minérales de ± 600Kgs de la Wolframite de Kamole à une destination inconnue, sans autorisation du service des Mines en violation de la loi N° 007/2002 du 11 Juillet 2002 PORTANT CODE MINIER, précisément à son article 304 qui stipule je cite « celui qui, sans autorisation, aura transporté ou fait transporter des substances Minérales, est puni d'une servitude pénale de deux mois et d'une amende dont le montant en francs Congolais est l'équivalent de 2.000 à 20.000USD ou d'une de ces peines seulement »

En plus de cela, les militaires de la Force Navale basés à BAVE ont fait des crépitements des balles pour vouloir à trapper ce précité DEOGRATIAS MAGAYANE or que conformément aux enquêtes menées, je suis informé que ce précité avait chargé ces minerais à leur présence.

C'est pour quoi, Monsieur l'Administrateur, le nommé DEOGRATIAS MAGAYANE doit être pour suivi par la loi en vue de décourager ceux qui voudraient saper les lois du pays en matière des Mines et que ce soit un signal fort pour les autres que nous ne manquerions à fournir le rapport au près de vous au cas échéant s'il en existait un, dans le processus de la tolérance zéro.

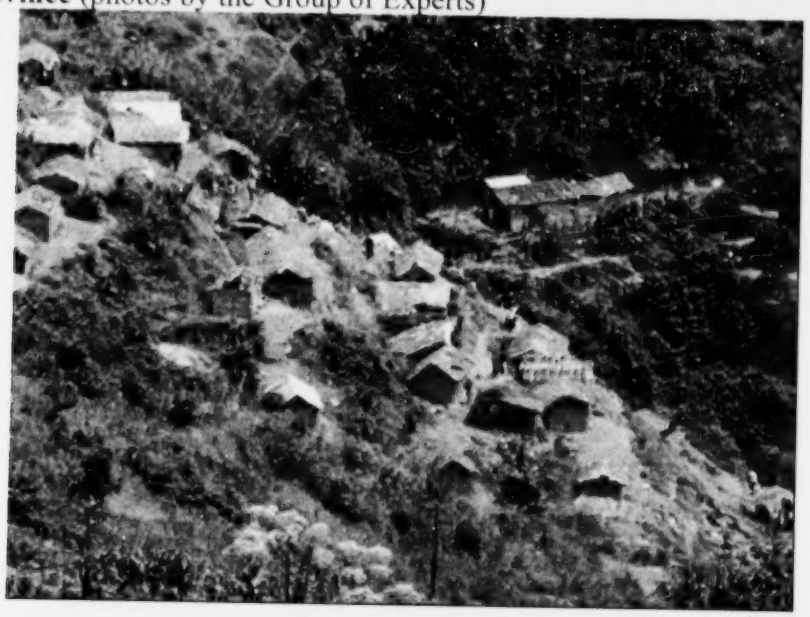
Veuillez agréer Monsieur l'Administrateur l'expression de mes sentiments.

LE CHEF D'ANTENNE MINIERE D'IDJWI

TULINABO LUHANDO François

Annex 85

A view of the Kalimbi tin mine in Nyabibwe, Territory of Kalehe - South Kivu Province (photos by the Group of Experts)



The "T20" part of the Kalimbi mine.

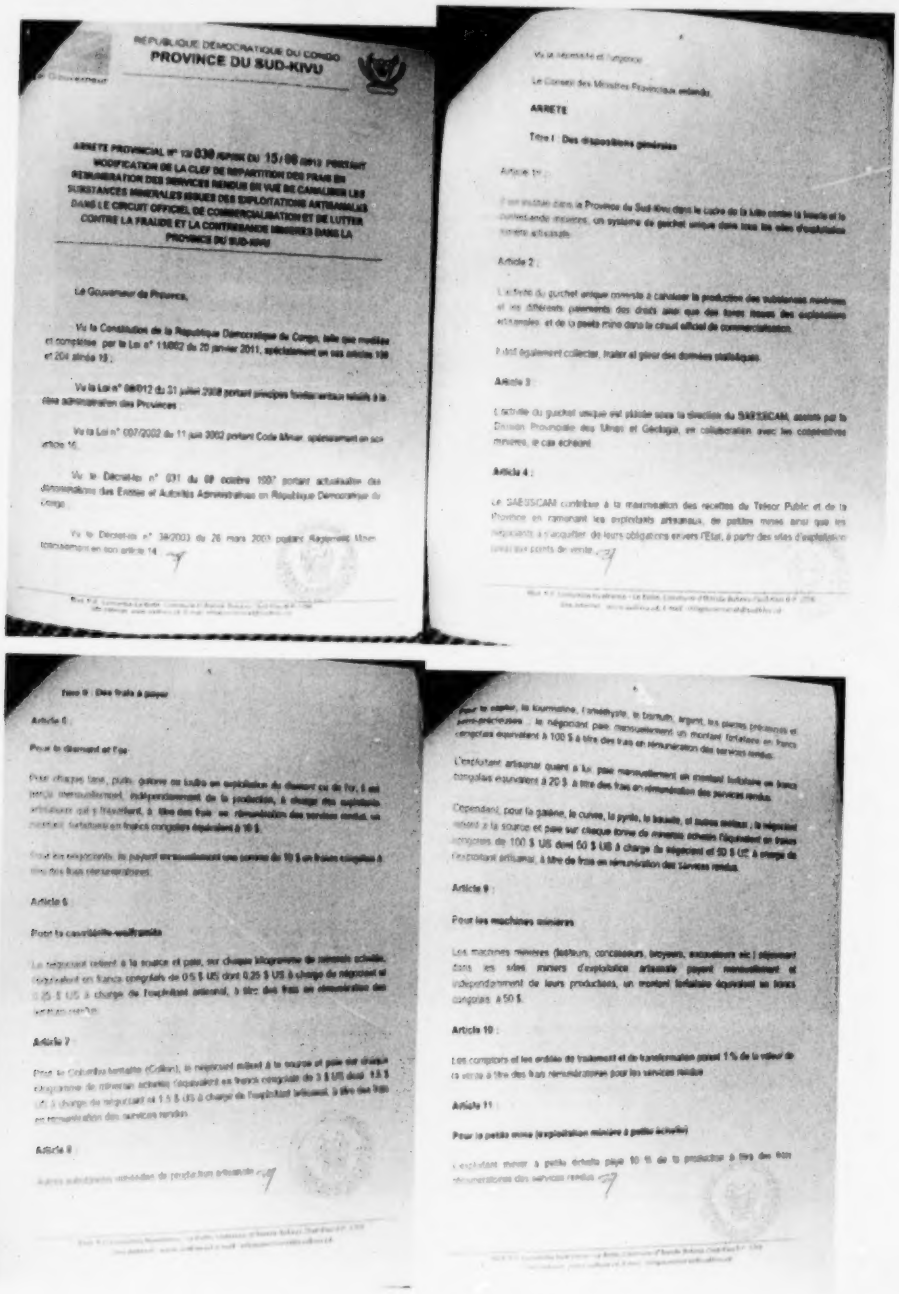
The "Kuwait" mine within the Kalimbi mine.

Stream where miners from both of the aforementioned sites wash their tin.

Minerals are brought into this hut, where SAESSCAM puts the tags on them.

Annex 86

Order by the South Kivu Governor authorizing an increase in the mineral tax in South Kivu, 15 August 2013



RÉPUBLIQUE DÉMOCRATIQUE DU CONGO
PROVINCE DU SUD-KIVU

ARRETE PROVINCIAL N° 120 830 /KP/SK DU 15/08/2013 PORTANT MODIFICATION DE LA CLEF DE REPARTITION DES FRAIS EN REMUNERATION DES SERVICES RENDUS EN VUE DE CANALISER LES SUBSTANCES MINERALES ISSUES DES EXPLOITATIONS ARTISANALES DANS LE CIRCUIT OFFICIEL DE COMMERCIALISATION ET DE LUTTER CONTRE LA FRAUDE ET LA CONTREBANDE MINIERES DANS LA PROVINCE DU SUD-KIVU

Le Gouverneur de Province,

Vu la Constitution de la République Démocratique du Congo, telle que modifiée et complétée par la Loi n° 11/002 du 20 janvier 2011, spécialement en ses articles 198 et 204 alinéa 19 ;

Vu la Loi n° 08/012 du 31 juillet 2008 portant principes fondamentaux relatifs à la libre administration des Provinces ;

Vu la Loi n° 007/2002 du 11 juin 2002 portant Code Minier, spécialement en son article 16 ;

Vu le Décret-loi n° 031 du 09 octobre 1997 portant actualisation des dénominations des Entités et Autorités Administratives en République Démocratique du Congo ;

Vu le Décret-loi n° 38/2003 du 26 mars 2003 portant Règlement Minier, spécialement en son article 14 ;

Vu la nécessité et l'urgence ;

Le Conseil des Ministres Provinciaux entendu ;

ARRETE

Titre I : Des dispositions générales

Article 1er :

Il est institué dans la Province du Sud-Kivu dans le cadre de la lutte contre la fraude et la contrebande minières, un système de guichet unique dans tous les sites d'exploitation minière artisanale.

Article 2 :

L'activité du guichet unique consiste à canaliser la production des substances minérales et les différents paiements des droits ainsi que des taxes issues des exploitations artisanales et de la petite mine dans le circuit officiel de commercialisation.

Il doit également collecter, traiter et gérer des données statistiques.

Article 3 :

L'activité du guichet unique est pilotée sous la direction du SAESSCAM, assisté par la Division Provinciale des Mines et Géologie, en collaboration avec les coopératives minières, le cas échéant.

Article 4 :

Le SAESSCAM contribue à la mobilisation des recettes du Trésor Public et de la Province en ramenant les exploitants artisanaux, de petites mines ainsi que les négociants à s'acquitter de leurs obligations envers l'Etat, à partir des sites d'exploitation jusqu'aux points de vente ;

Titre II : Des frais à payer

Article 5 :

Pour le diamant et l'or

Pour chaque taxi, puits, galerie ou tuyau en exploitation du diamant ou de l'or, il est perçu mensuellement, indépendamment de la production, à charge des exploitants artisanaux qui y travaillent, à titre des frais en rémunération des services rendus, un montant forfaitaire en francs congolais équivalent à 10 $.

Quant aux négociants, ils paient mensuellement une somme de 10 $ en francs congolais à titre des frais rémunératoires.

Article 6 :

Pour la cassitérite-wolframite

Le négociant retient à la source et paie, sur chaque kilogramme de minerais achetés, équivalent en francs congolais de 0,5 $ US dont 0,25 $ US à charge du négociant et 0,25 $ US à charge de l'exploitant artisanal, à titre des frais en rémunération des services rendus.

Article 7 :

Pour la Columbite-tantalite (Coltan), le négociant retient à la source et paie sur chaque kilogramme de minerais achetés équivalent en francs congolais de 3 $ US dont 1,5 $ US à charge du négociant et 1,5 $ US à charge de l'exploitant artisanal, à titre des frais en rémunération des services rendus.

Article 8 :

Autres substances minérales de production artisanale ;

Pour le cuivre, la tourmaline, l'émeraude, le bismuth, argent, les pierres précieuses et semi-précieuses : le négociant paie mensuellement un montant forfaitaire en francs congolais équivalent à 100 $ à titre des frais en rémunération des services rendus.

L'exploitant artisanal quant à lui paie mensuellement un montant forfaitaire en francs congolais équivalent à 20 $ à titre des frais en rémunération des services rendus.

Cependant, pour la galène, le cuivre, la pyrite, la bauxite, et autres métaux ; le négociant retient à la source et paie sur chaque tonne de minerais achetés l'équivalent en francs congolais de 100 $ US dont 50 $ US à charge du négociant et 50 $ US à charge de l'exploitant artisanal, à titre de frais en rémunération des services rendus.

Article 9 :

Pour les machines minières

Les machines minières (lavoirs, concasseurs, broyeurs, excavateurs etc.) séjournant dans les sites miniers d'exploitation artisanale payent mensuellement et indépendamment de leurs productions, un montant forfaitaire équivalent en francs congolais à 50 $.

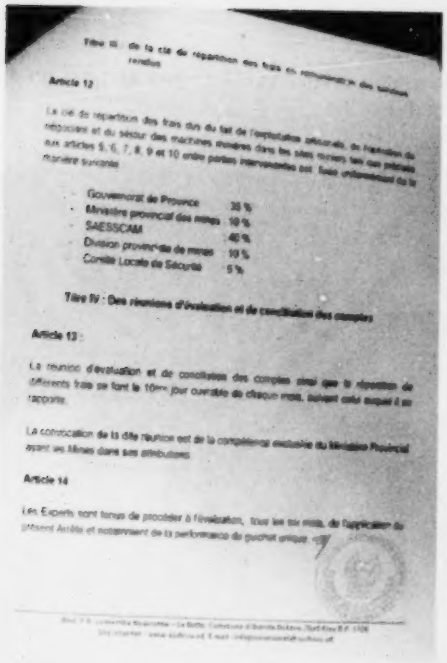
Article 10 :

Les comptoirs et les ateliers de traitement et de transformation paient 1 % de la valeur de la vente à titre des frais rémunératoires pour les services rendus.

Article 11 :

Pour la petite mine (exploitation minière à petite échelle)

L'exploitant minier à petite échelle paye 50 % de la production à titre des frais rémunératoires des services rendus ;



Titre III : de la clé de répartition des frais en remboursement des services rendus

Article 12

La clé de répartition des frais dus du fait de l'exploitation artisanale, de l'extraction de rejoicies et du lavage des machines minières dans les sites miniers tels que prévus aux articles 5, 6, 7, 8, 9 et 10 entre parties intervenantes est fixée ordonnancé de la manière suivante :

- Gouvernorat de Province : 35 %
- Ministère provincial des mines : 10 %
- SAESSCAM : 40 %
- Division provinciale de mines : 10 %
- Comité Locale de Sécurité : 5 %

Titre IV : Des réunions d'évaluation et de constitution des comptes

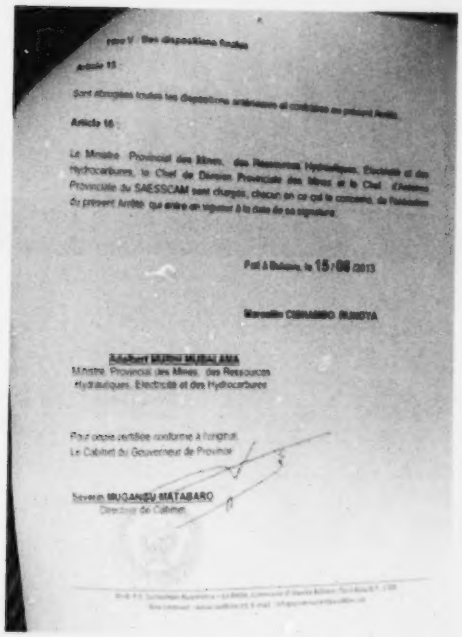
Article 13 :

La réunion d'évaluation et de constitution des comptes ainsi que la répartition de différents frais se tient le 10ème jour ouvrable du chaque mois, suivant celui auquel il se rapporte.

La convocation de la dite réunion est de la compétence exclusive du Ministre Provincial ayant les Mines dans ses attributions.

Article 14

Les Experts sont tenus de procéder à l'évaluation, tous les six mois, de l'application du présent Arrêté et notamment de la performance du guichet unique.



Titre V : Des dispositions finales

Article 15 :

Sont abrogées toutes les dispositions antérieures et contraires au présent Arrêté.

Article 16 :

Le Ministre Provincial des Mines, des Ressources Hydrauliques, Electricité et des Hydrocarbures, le Chef de Division Provinciale des Mines et le Chef d'Antenne Provinciale du SAESSCAM sont chargés, chacun en ce qui le concerne, de l'exécution du présent Arrêté qui entre en vigueur à la date de sa signature.

Fait à Bukavu, le 15/08/2013

Marcellin CISHAMBO PUNGYA

Adalbert MUSHI MUBALAMA
Ministre Provincial des Mines, des Ressources Hydrauliques, Electricité et des Hydrocarbures

Pour copie certifiée conforme à l'original
Le Cabinet du Gouverneur de Province

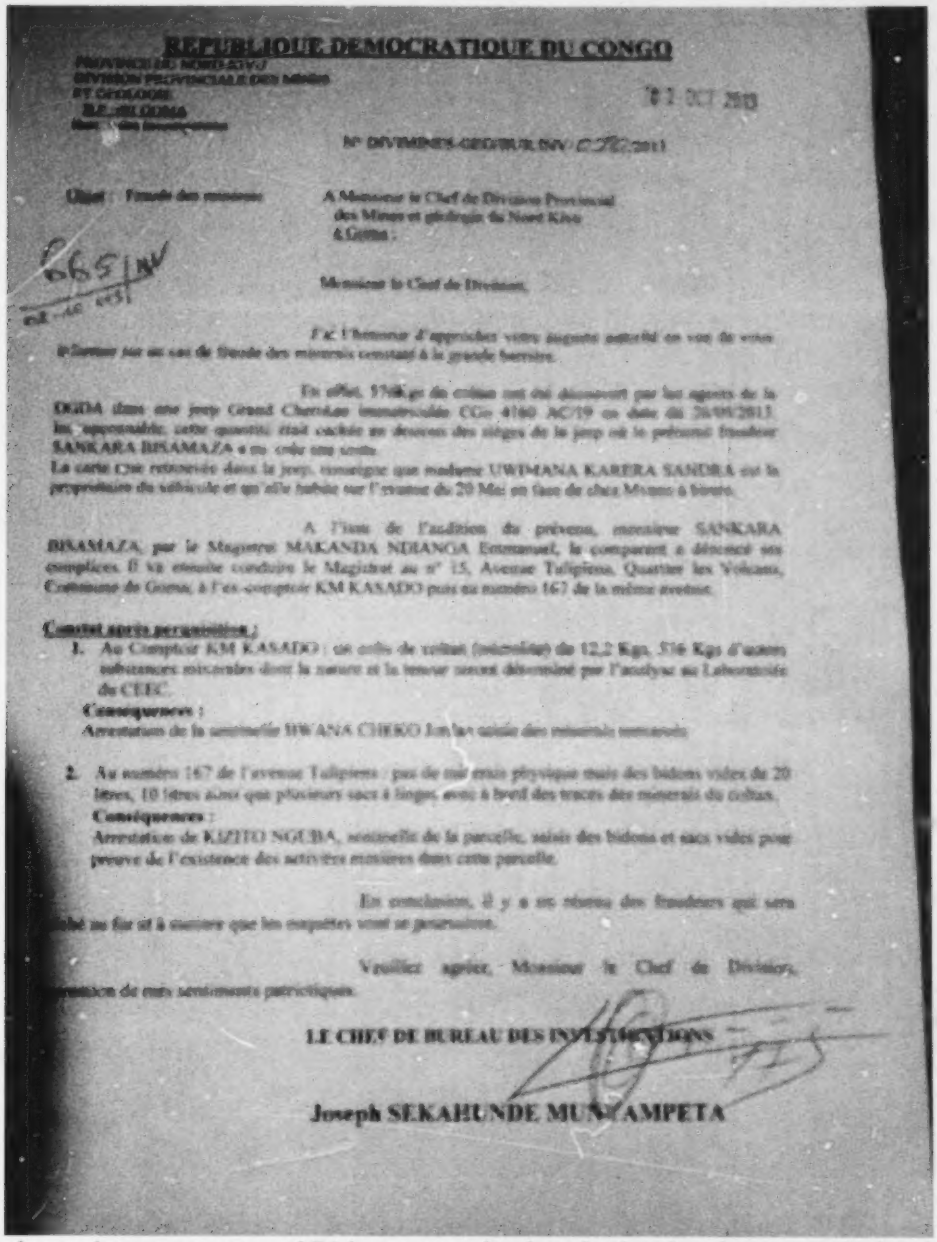
Severin MUGANGU MATABARO
Directeur de Cabinet

Annex 87

30 kg of tantalum from Maniema seized at the Goma airport on 4 September 2013 (photo taken in September by Group of Experts)

Annex 88

A letter by the Chef de Bureau for Investigations of North Kivu to the Chef de Divisions des Mines of North Kivu concerning the seizure of 368 kg of tantalum



REPUBLIQUE DEMOCRATIQUE DU CONGO

PROVINCE DU NORD-KIVU
DIVISION PROVINCIALE DES MINES
ET GEOLOGIE
B.E. DE GOMA

Nr DIVMINES-GEO/BUR.INV/ 2013

Objet : Fraude des minerais

A Monsieur le Chef de Division Provincial
des Mines et géologie du Nord Kivu
à Goma ;

Monsieur le Chef de Division,

J'ai l'honneur d'apprécier votre auguste autorité en vue de vous informer sur un cas de fraude des minerais constaté à la grande barrière.

En effet, 376Kgs de coltan ont été découverts par les agents de la DGDA dans une jeep Grand Cherokee immatriculée CGo 4160 AC/19 en date du 26/09/2013. Ils soupçonnés, cette quantité était cachée au dessous des sièges de la jeep où le présumé fraudeur SANKARA BISAMAZA a eu créé une cavité.
La carte Grise retrouvée dans la jeep, renseigne que madame UWIMANA KARERA SANDRA est la propriétaire du véhicule et qu'elle habite sur l'avenue du 20 Mai en face de chez Mvano à Virunga.

A l'issu de l'audition du prévenu, monsieur SANKARA BISAMAZA, par le Magistrat MAKANDA NDIANGA Emmanuel, la comparant a désigné ses complices. Il va ensuite conduire le Magistrat au n° 15, Avenue Tulipiers, Quartier les Volcans, Commune de Goma, à l'ex-comptoir KM KASADO puis au numéro 167 de la même avenue.

Constat après perquisition :

1. Au Comptoir KM KASADO : un sac de coltan (tantalite) de 12,2 Kgs, 516 Kgs d'autres substances minérales dont la nature et la teneur seront déterminé par l'analyse au Laboratoire du CEEC.
   Conséquence :
   Arrestation de la tenancière BWANA CHEKO Jonlas saisie des minerais susvisés.

2. Au numéro 167 de l'avenue Tulipiers : pas de mur mais physique mais des bidons vides de 20 litres, 10 litres ainsi que plusieurs sacs à linges, avec à bord des traces des minerais du coltan.
   Conséquences :
   Arrestation de KIZITO NGUBA, tenancière de la parcelle, saisie des bidons et sacs vides pour preuve de l'existence des activités minières dans cette parcelle.

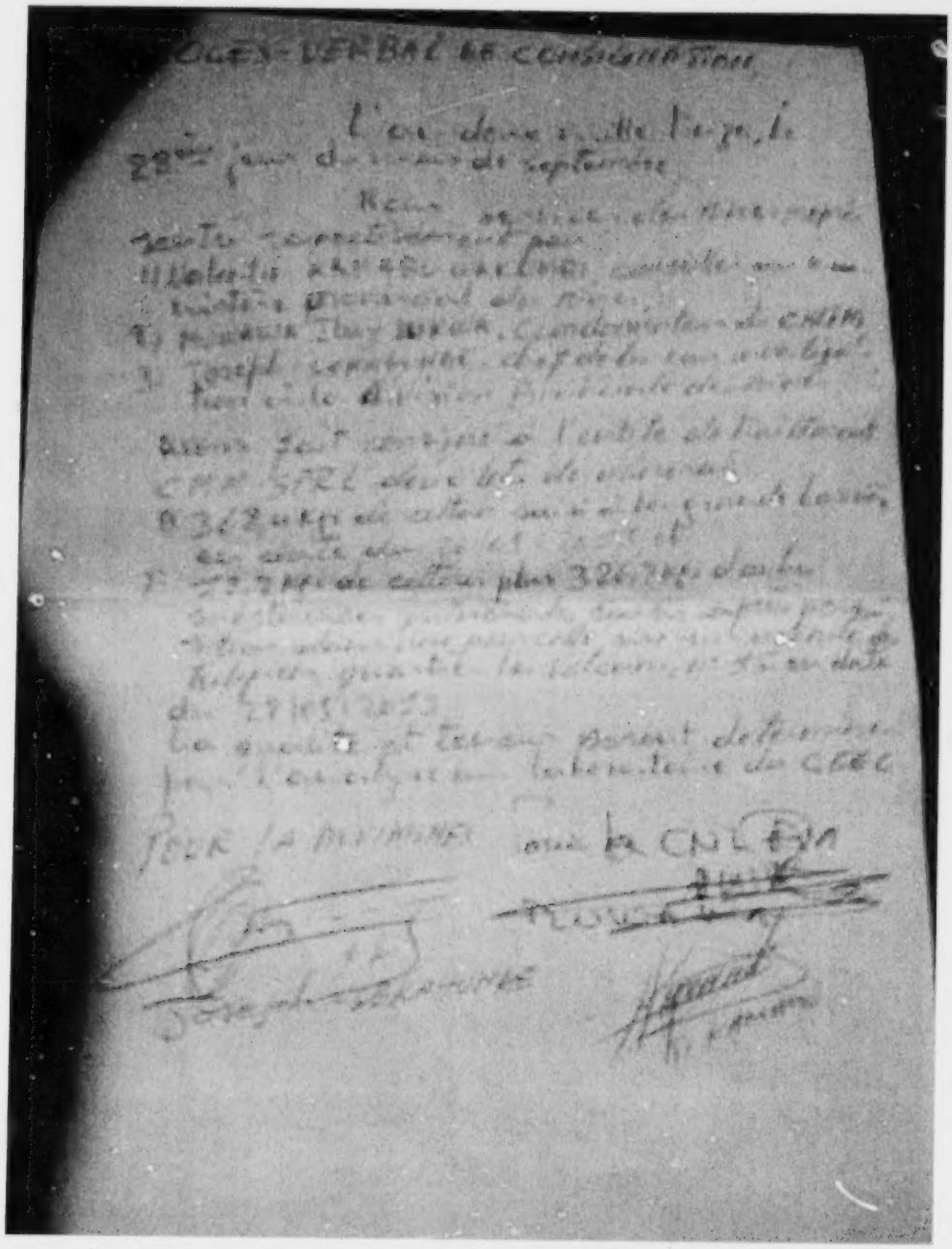
En conclusion, il y a un réseau des fraudeurs qui sera établi au fur et à mesure que les enquêtes vont se poursuivre.

Veuillez agréer, Monsieur le Chef de Division, l'expression de mes sentiments patriotiques.

LE CHEF DE BUREAU DES INVESTIGATIONS

Joseph SEKAHUNDE MUNYAMPETA

NB – The above document states 376 kg were seized at the border; however during its work on this case, the Group confirmed with Congolese authorities that the correct quantity seized was 368 kg, which is the amount quoted in the following document.



PROCES-VERBAL DE CONSIGNATION

l'an deux mille [illegible]
28ème jour du mois de septembre

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

POUR LA PARTIE [illegible] LA CNLEM

Annex 89

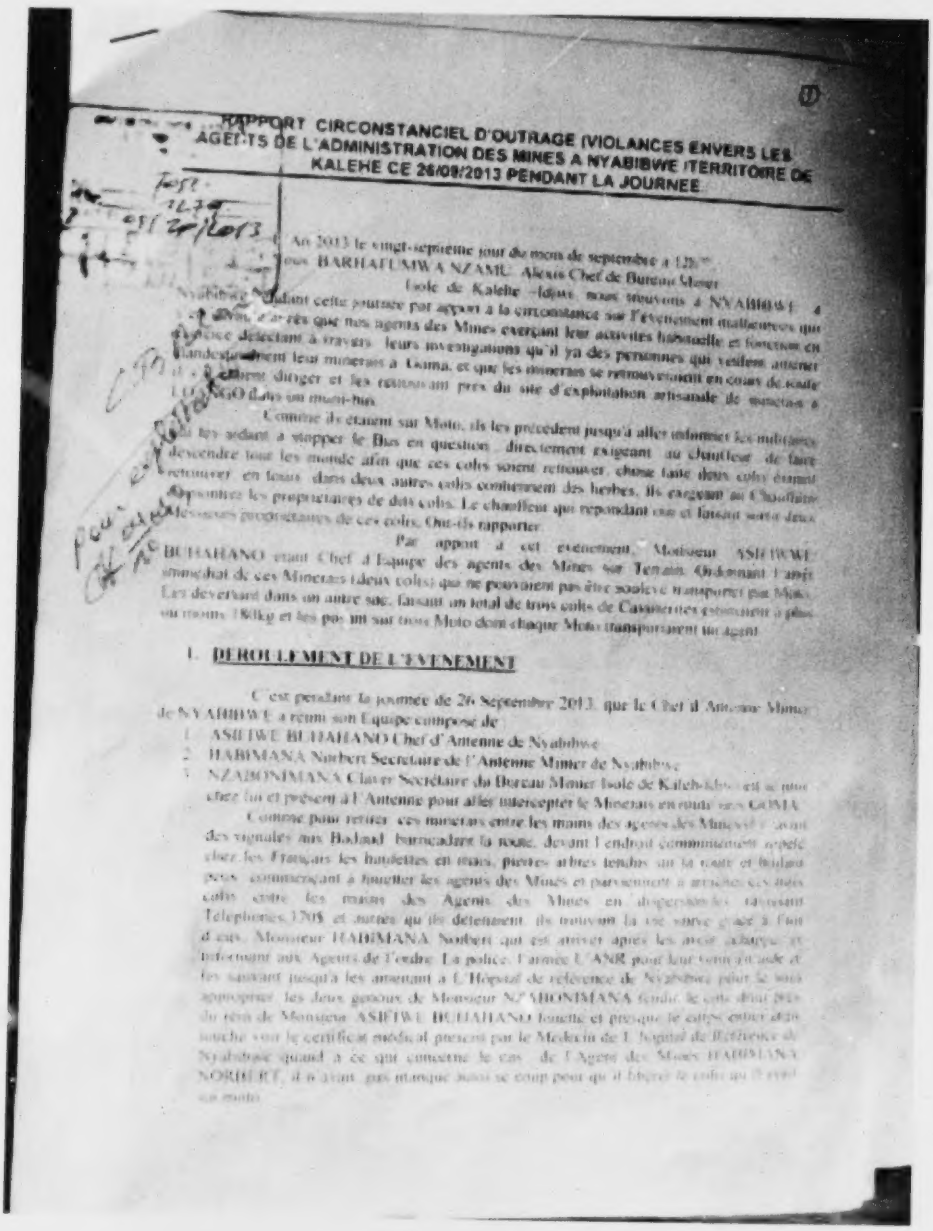
Car seized in Goma for smuggling tantalum on 26 September 2013 (photos by the Group of Experts and Congolese authorities)

Arrows indicate the location of one of the smuggling compartments, which was under the driver's seat.

The coltan hidden in compartments in the car was put into bags, shown above.

Annex 90

Smuggling of 26 kg of tin at Kalimbi mine, Nyabibwe



RAPPORT CIRCONSTANCIEL D'OUTRAGE (VIOLANCES ENVERS LES AGENTS DE L'ADMINISTRATION DES MINES A NYABIBWE (TERRITOIRE DE KALEHE CE 26/09/2013 PENDANT LA JOURNEE

L'An 2013 le vingt-septième jour du mois de septembre à 12h[illegible]

nous BARHATUMWA NZAMU Alexis Chef de Bureau Mines

Isole de Kalehe -Idjwi, nous trouvons à NYABIBWE à [illegible] séjournant cette journée par appel à la circonstance sur l'événement malheureux qui [illegible] s'est dit que nos agents des Mines exerçant leur activités habituelle et foncton en [illegible] détectant à travers leurs investigations qu'il ya des personnes qui veulent acheter [illegible] clandestinement leur minerais à Goma, et que les minerais se retrouveraient en cours de route [illegible] chemin dinger et les retiraient près du site d'exploitation artisanale de minerais à [illegible] GO dans un mini-bus.

Comme ils étaient sur Moto, ils les précédent jusqu'à aller informer les militaires [illegible] les aidant à stopper le Bus en question, directement exigeant au chauffeur de faire descendre tout les monde afin que ces colis soient retrouver, chose faite deux colis étaient retrouver en tout dans deux autres colis contenaient des herbes, ils exigeant au Chauffeur d'ouvrir les propriétaires de dits colis. Le chauffeur qui répondant que ce [illegible] les propriétaires de ces colis. Ont-ils rapporter.

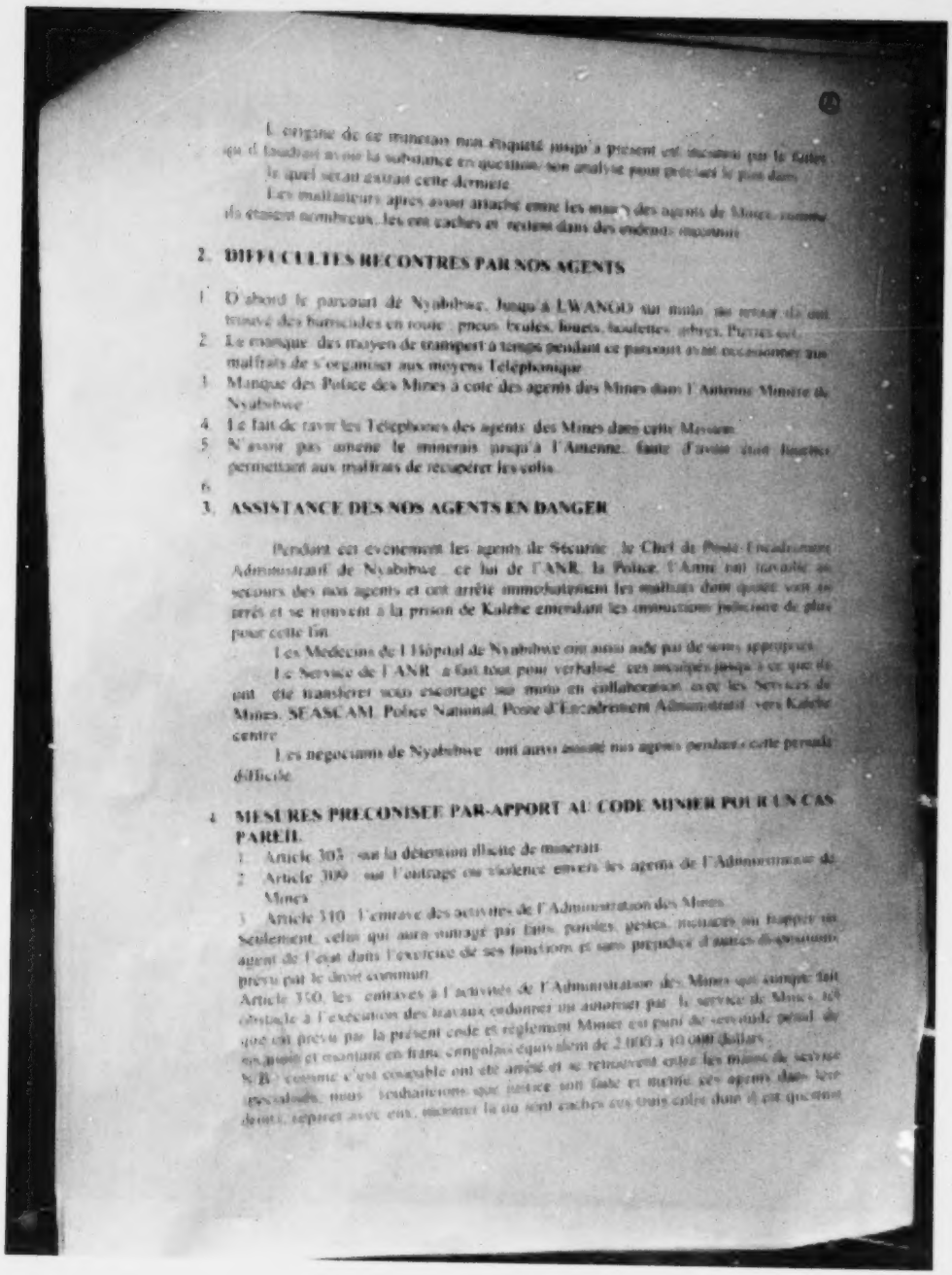
Par appui à cet événement, Monsieur ASIFIWE BUHAHANO étant Chef d'Equipe des agents des Mines sur Terrain, Ordonnant l'arrêt immédiat de ces Minerais (deux colis) qui ne pouvaient pas être soulevé transporter par Moto. Les deversant dans un autre site, faisant un total de trois colis de Cassiterites estimant à plus ou moins 78kg et les posant sur trois Moto dont chaque Moto transportant un agent.

1. DEROULEMENT DE L'EVENEMENT

C'est pendant la journée de 26 Septembre 2013, que le Chef d'Antenne Mines de NYABIBWE a reçu son Equipe composé de :

1. ASIFIWE BUHAHANO Chef d'Antenne de Nyabibwe
2. HABIMANA Norbert Secretaire de l'Antenne Minier de Nyabibwe
3. NZABONIMANA Claver Secrétaire du Bureau Minier Isole de Kaleh-Idjwi et se trouvant chez lui et présent à l'Antenne pour aller intercepter le Minerais en route vers GOMA.

Comme pour retirer ces minerais entre les mains des agents des Mines et ayant des signales aux Bailand barricader la route, devant l'endroit communément appelé chez les Français les haulettes en mais, pierres arbres tendus sur la route et huilant pneus commençant à huueller les agents des Mines et parvenant à arracher ces dits colis entre les mains des Agents des Mines en dispersant les civisant Telephones, DVD et autres qu'ils détenaient, ils trouvant la vie sauve grace à Dieu et eux, Monsieur HABIMANA Norbert qui est arriver après les avoir attaqué et informant aux Agents de l'ordre La police, l'armée l'ANR pour leur venir en aide et les suivant jusqu'à les amenant à l'Hôpital de référence de Nyabibwe pour le soin approprier les deux garcons de Monsieur NZABONIMANA (coté le cote droit près du nez de Monsieur ASIFIWE BUHAHANO touché et presque le corps entier déchiqueté voir le certificat médical présenté par le Medecin de l'hopital de Référence de Nyabibwe quand à ce qui concerne le cas de l'Agent des Mines HABIMANA NORBERT, il n'avait pas manqué assez de coup pour qu'il libère le colis qu'il avait en main.



L origine de ce minerais non éclairé jusqu'à présent est inconnu par la Gilles qu'il faudrait avoir la substance en question, son analyse pour préciser le pays dans lequel serait extrait cette dernière.

Les malfaiteurs après avoir attaché entre les mains des agents de Mines, comme ils étaient nombreux, les ont cachés et retenus dans des endroits inconnus.

2. DIFFICULTES RECONTRES PAR NOS AGENTS

1. D'abord le parcourt de Nyabibwe, Jusqu'à LWANGO sur moto, on trouve de nombreux barricades en route : pneus brulés, bouts, bouteilles arbres, Pierres ect.
2. Le manque des moyen de transport à temps pendant ce parcourt a tout occasionner aux malfrats de s'organiser aux moyens Téléphonique.
3. Manque des Police des Mines à coté des agents des Mines dans l'Antenne Minière de Nyabibwe.
4. Le fait de tuer les Téléphones des agents des Mines dans cette Mission.
5. N'avoir pas amener le minerais jusqu'à l'Antenne, faute d'avoir une fourche permettant aux malfrats de récupérer les colis.
6.

3. ASSISTANCE DES NOS AGENTS EN DANGER

Pendant cet événement les agents de Sécurité, le Chef de Poste Encadrement Administratif de Nyabibwe, ce lui de l'ANR, la Police, l'Armé ont travaillé au secours des nos agents et ont arrêté immédiatement les malfrats dont quatre sont en arrêt et se trouvent à la prison de Kalehe emendant les instructions judiciaire de plus pour cette fin.

Les Médecins de l'Hôpital de Nyabibwe ont aussi aidé par de soins appropriés.

Le Service de l'ANR a fait tout pour verbalisé ces malfrats jusqu'à ce que ils ont été transférer sous escortage sur moto en collaboration avec les Services de Mines, SEASCAM, Police National, Poste d'Encadrement Administratif vers Kalehe centre.

Les négociants de Nyabibwe ont aussi assisté nos agents pendant cette période difficile.

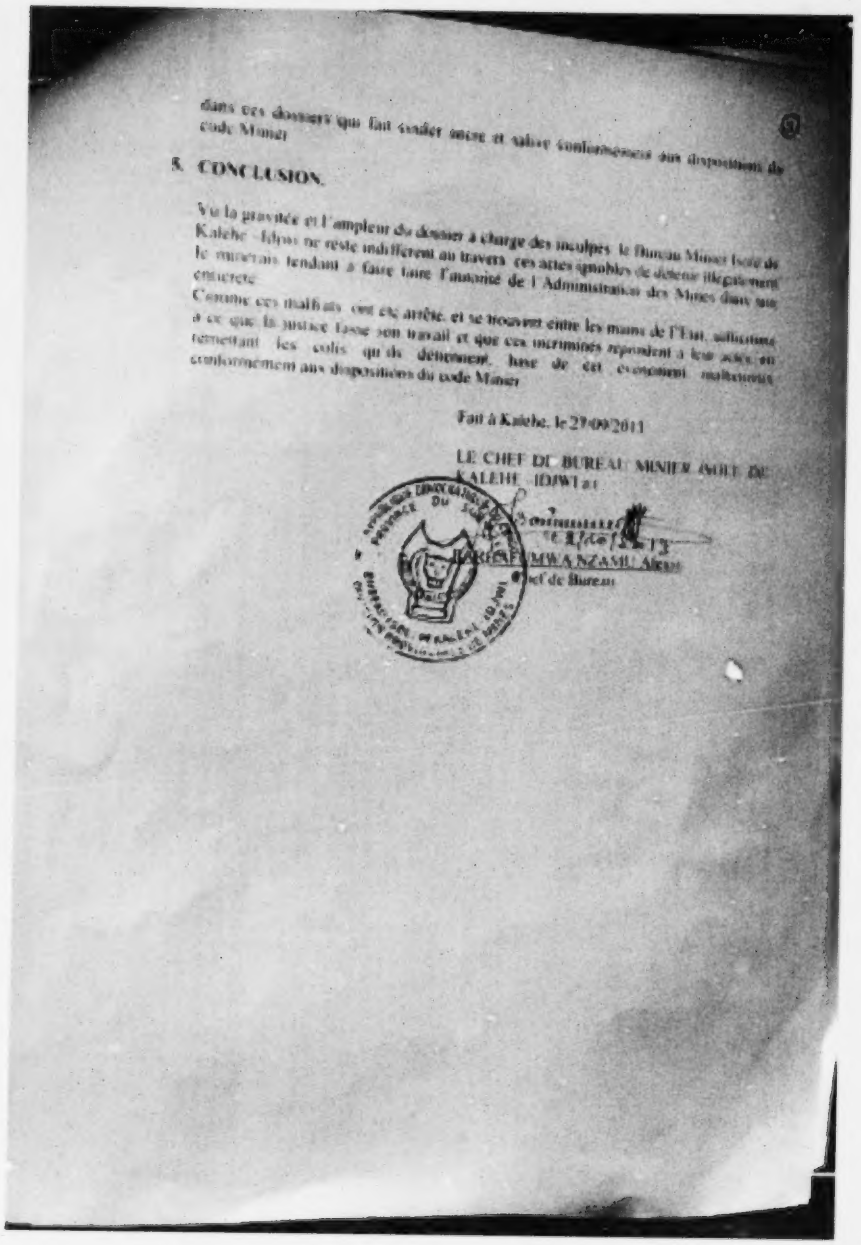
4. MESURES PRECONISEE PAR-APPORT AU CODE MINIER POUR UN CAS PAREIL

1. Article 303 : sur la détention illicite de minerais.
2. Article 309 : sur l'outrage ou violence envers les agents de l'Administration de Mines.
3. Article 310 : l'entrave des activités de l'Administration des Mines.

Seulement, celui qui aura outragé par faits, paroles, gestes, menaces ou frapper un agent de l'état dans l'exercice de ses fonctions et sans préjudice d'autres dispositions prévu par le droit commun.

Article 350, les entraves à l'activités de l'Administration des Mines qui consiste fait obstacle à l'exécution des travaux ordonnés ou autorisé par le service de Mines, tel que cet prévu par la présent code et règlement Minier est puni de servitude pénal de ans punie et assortis en francs congolais équivalent de 2 000 à 10 000 dollars.

N.B : comme c'est coupable ont été arrêté et se retrouvent entre les mains de service spécialisés, nous souhaitons que justice soit faite et punie ces agents dans leur devoir, séparer avec eux, montrer là où sont cachés ces trois colis dont il est question.



dans ces dossiers qui fait vendre sucre et sable conformément aux dispositions du code Minier

5. CONCLUSION.

Vu la gravité et l'ampleur du dossier à charge des inculpés le Bureau Minier Isolé de Kalehe -Idjwi ne reste indifférent au travers ces actes ignobles de détenir illégalement le minerais tendant à faire taire l'autorité de l'Administration des Mines dans son entièreté

Comme ces malfaits ont été arrêté, et se trouvent entre les mains de l'Etat, sollicitons à ce que la justice fasse son travail et que ces incriminés répondent à leur actes en remettant les colis qui ils détiennent, base de cet économie malheureux conformément aux dispositions du code Minier

Fait à Kalehe, le 27/09/2013

LE CHEF DU BUREAU MINIER ISOLE DE KALEHE -IDJWI a.i

JEREMIE MWANZAMBI Akram
Chef de Bureau

Annex 91

Tin seizure at Ruzizi I border post, Bukavu (photos by the Group of Experts)

These photos were taken by the Group on 18 October 2013 at the Bukavu High Court, where the vehicles were impounded.

Above: Part of the 420 kg of smuggled tin was hidden under the rear seat of the vehicle inside a purpose-built compartment.

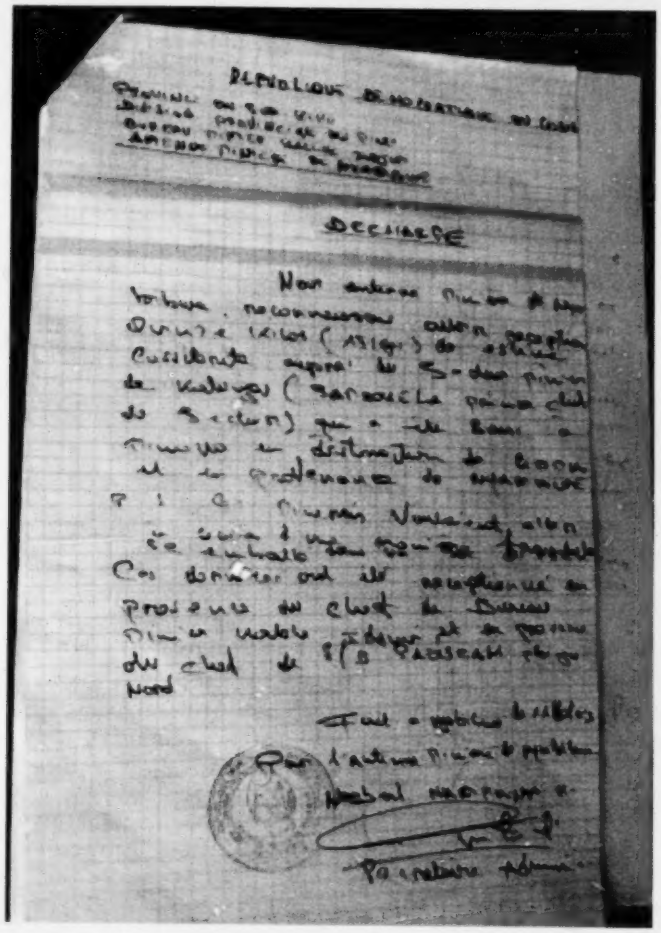
Above:The remainder of the smuggled tin was hidden under the carpet of the right front floor of the vehicle, a purpose-built compartment.

Above: The compartment for smuggling tin was visible under the vehicle.

Above: Front and rear views of the vehicle.

Annex 92

Document acknowledging receipt of 15 kg of tin seized on 15 October in Kalungu



Annex 93

ITRI mineral statistics for Rwanda

On 19 November 2013, ITRI responded to a request from the Group of Experts by providing data about Rwanda's minerals industry. Table 1 is an extract from ITRI's letter, which shows data on Rwanda's production and export of minerals (tin, tungsten, and tantalum are not distinguished in the ITRI data). Table 2 analyzes the data in Table 1.

Table 1. Rwanda mineral production and exports, June 2011 – April 2013 (provided by ITRI)

UPDATED iTSCi information on Rwandan mineral trade

Time period	Mineral Production (tonnes)	Mineral at Export (tonnes)
2011 June-December	5,501	6,084
2012 January-June	3,627	3,649
2012 July-December	4,075	4,147
2013 January-April	2,892	2,794

Table 2. Difference between mineral production and exports in Rwanda, June 2011 – April 2013

Dates	Number of months	Mineral production (tonnes)		Mineral exports (tonnes)		Difference between exports and production (tonnes)	
		Total	Monthly average	Total	Monthly average	Total	Monthly
2011 Jun-Dec	7	5,501	785.9	6,084	869.1	+583	+97.2
2012 Jan-Jun	6	3,627	604.5	3,649	608.2	+22	+3.7
2012 Jul-Dec	6	4,075	679.2	4,147	691.2	+100	+16.7
2013 Jan-Apr	4	2,992	748.0	2,794	698.5	-198	-33

Annex 94

ICCN list of elephant poaching and principal poachers and traffickers of ivory in Congolese national parks, January 2012 to 14 October 2013 (provided by the Congolese Institute for the Conservation of Nature)

STATISTIQUES INDICATIFS CONCERNANT LE BRACONNAGE D'ELEPHANTS ET LISTE DES PRINCIPAUX BRACONNIERS ET TRAFIQUANTS D'IVOIRE EN ACTIVITE POUR CHAQUE PARC NATIONAL DE LA RDC DE JANVIER 2012 A CE JOUR

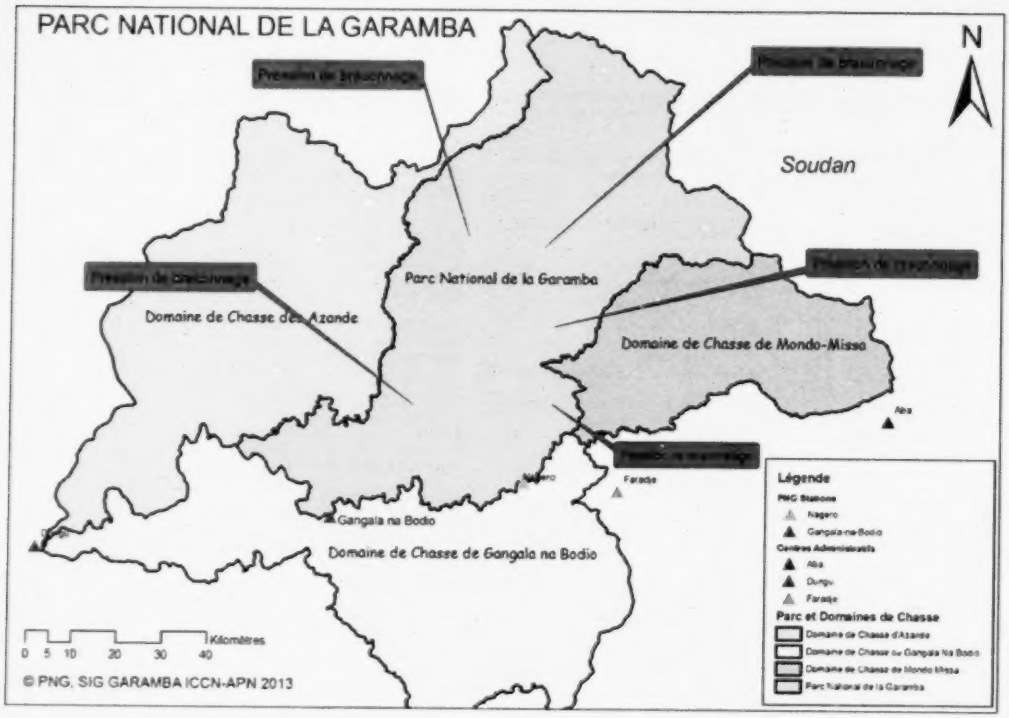
N°	Parc National ou Réserve	Nombre d'éléphants abattus	Noms des principaux responsables ou auteurs de braconnage	Noms des principaux trafiquants d'ivoire ou facilitateurs	Base ou Résidence
1.	Virunga	9	(Milices FDLR) (Individus non identifiés)		Rwanda
2.	Garamba	55	(- Milices LRA, SPLA. - Fermiers Mbororo) - Officiers militaires (Individus non identifiés)	1. Major Ngobila 2. Mr Moussa (un métis) 3. Colonel Nkulu 4. Mr Hassan 5. Mr Zaiko	Ouganda, Sud-Soudan, Tchad, RDC (Kisangani, Bunia)
3.	Kahuzi-Biega	5	1. Muhimuzi (un magistrat) 2. Rafa Mutomboki et autres Mai-Mai	Commerçants en connivence avec les chinois (Individus non identifiés)	Sud-Kivu (Bukavu)
4.	Salonga	20	Officiers militaires (Individus non identifiés)		Kinshasa - Mbandaka
5.	Kundelungu	21	Chefs coutumiers (Individus non identifiés)	Chef de chefferie Kinkondja	Katanga
6.	Reserve de Faune à Okapis	200	1. Paul Sadala alias Morgan 2. Mboko 3. Manu 4. Masimango alias Maître 5. Alphonse Ngwengwe 6. Jésus 7. Kamukwe 8. Saleh 9. Maze	1. Jean Mokobe 2. Jeff 3. Nyekese 4. Cap.-taine Manga-Manga 5. Sabote 6. Colonel Tshimanga 7. Mr Zaiko	Ituri (Mambasa, Wamba), Kisangani
			10. Kaposo Mikiki 11. Folo Abulasi 12. Shabani Mutinga 13. Dragon 14. Kamango		
	Total	310			

Fait à Kinshasa, le 14 octobre 2013

NB – Garamba National Park authorities told the Group that between January 2012 and October 2013, they recorded 65 cases of elephant poaching. They further stated there is no evidence that Mbororo herders have poached any elephants in Garambapark, and did not recognize any of the names listed as traders for ivory from Garamba park. The information in this table should therefore not be considered complete or completely accurate.

Annex 95

Garamba National Park map



This map shows Garamba National Park and the three hunting domains surrounding it. It also shows the main entry routes for poachers. Local poachers and FARDC enter the park from Dungu and from villages and towns close to the park boundary. LRA have had camps inside the park, and entered the park from the Azande hunting domain. Sudanese poachers enter the park from the north.

Annex 96

Elephant poaching in Garamba National Park, 2012-13 (provided by Garamba park authorities)

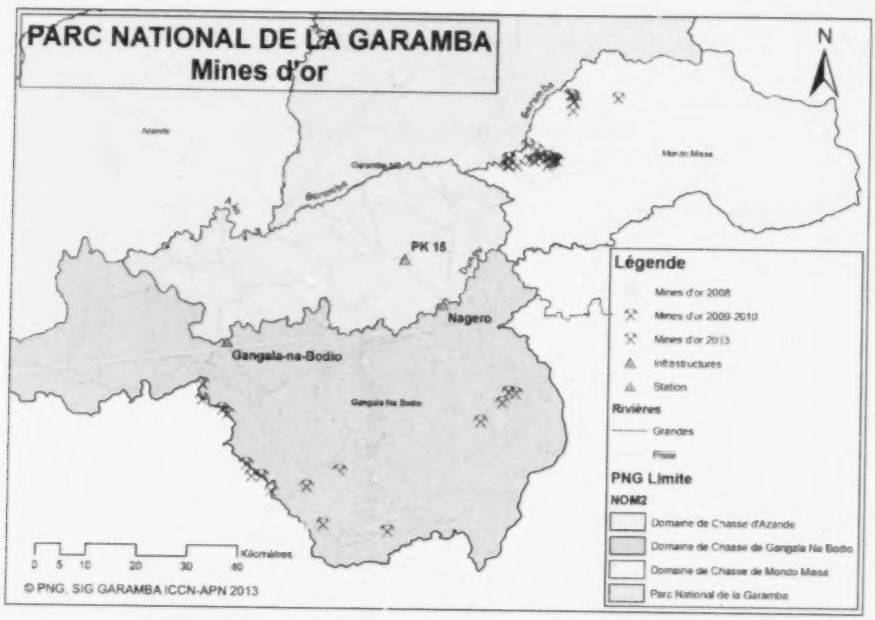
A spatial distribution of elephant carcasses discovered by ICCN during 2012 and 2013. Note that the area where carcasses have been discovered is essentially the limit of the area ICCN is able to patrol on foot.

2012. Morality from poaching – 49; mortality unknown – 1.

2013. Mortality from poaching – 16; mortality unknown – 1.

Annex 97

Gold mines near Garamba National Park (provided by park authorities)



Map showing presence of gold mines in the Mondo Missa and Gangala Na Bodio hunting domains, adjacent to Garamba National Park (map created November 2013 by Garamba National Park authorities).

Annex 98

Garamba National Park, encounters with poachers, January to November 2013
(provided by park authorities)

Map showing where park rangers had encounters during 2013. Note that the encounters take place in a relatively small area between the Garamba and Dungu rivers, which is the extent of the territory the rangers are able to patrol on foot (map created by Garamba park authorities).

Table 1.Garamba Park ranger encounters with poachers, 1 January – 22 November 2013

Date	Time	Type of incident	Against	Number of people encountered	Animals poached / nature of encounter
28 February	0937	Shooting	FARDC	25	2 Hippos 1 Cob de Thomas
1 March	1745	Shooting	FARDC	20	FARDC attacked park rangers
28 April	1143	Shooting	Local Poachers	10	2 Hippos
18 May	0935	Shooting	LRA	16	Encounter in the road
27 May	0916	Shooting	Local Poachers	12	2 Hippos
4 July	0745	Shooting	Sudanese poachers	25	2 Hippos 1 Facochere
3 September	1205	Shooting	Sudanese poachers	10	1 Giraffe 1 Buffalo
24 September	1500	Shooting	Sudanese poachers	8	2 Hippos
13 October	1614	Shooting	Sudanese poachers	15	2 Hippos

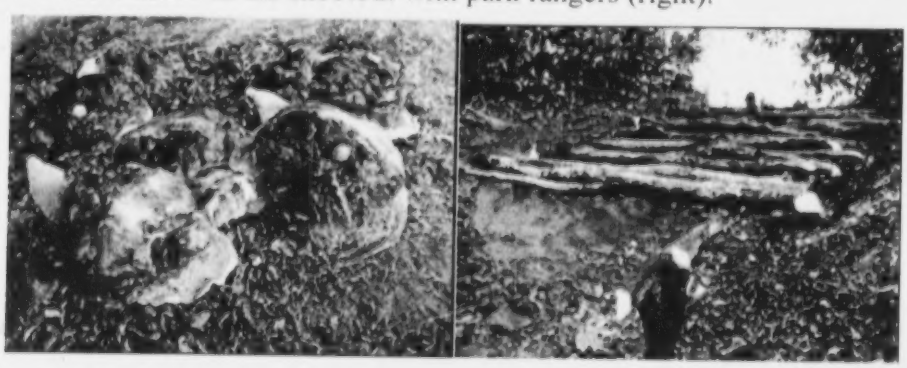
Source: Garamba park authorities, 22 November 2013

Annex 99

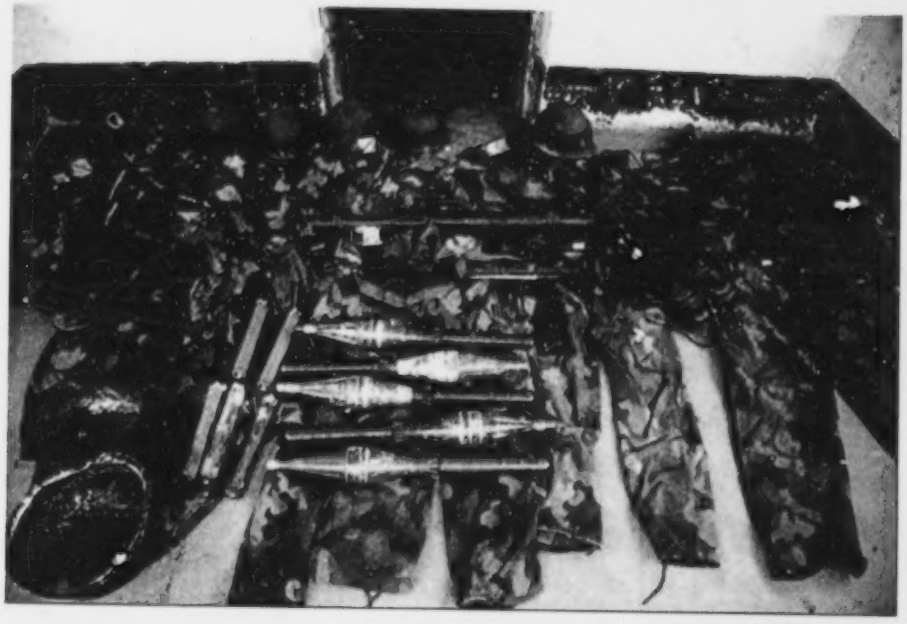
FARDC poaching camp in Garamba Park, 27 February 2013
(images provided by park authorities)

FARDC poaching camp in Garambapark raided by park rangers on 27 February 2013. Visible are part of a hippo skull and hippo meat.

Uniforms recovered in the camp showed the Congolese flag (left), and the Lt. insignia on the uniform of the officer killed in the shootout with park rangers (right).



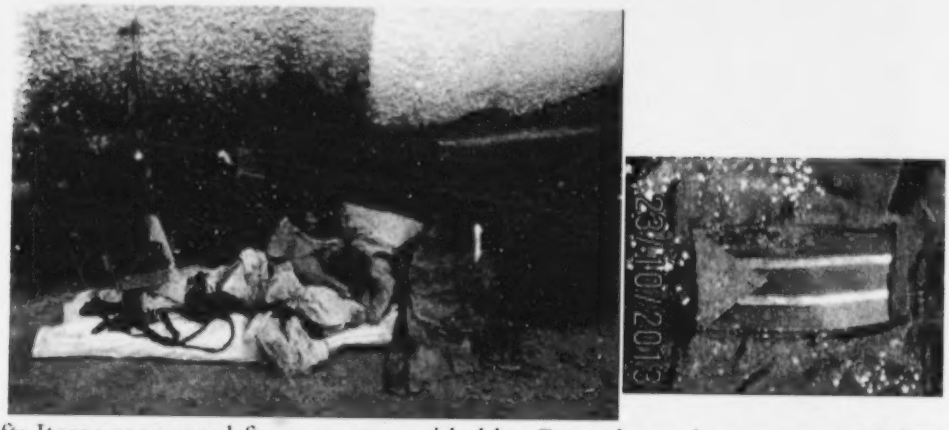
Park rangers found large chunks of hippo meat (left), which were to be cured on the smoking pit in the poaching camp (right).



Weapons, uniforms, helmets, boots, and other items recovered from the FARDC poaching camp in Garambapark, 27 February 2013.

Annex 100

Items recovered from Sudanese poachers in Garamba National Park (images provided by park authorities and taken by the Group)

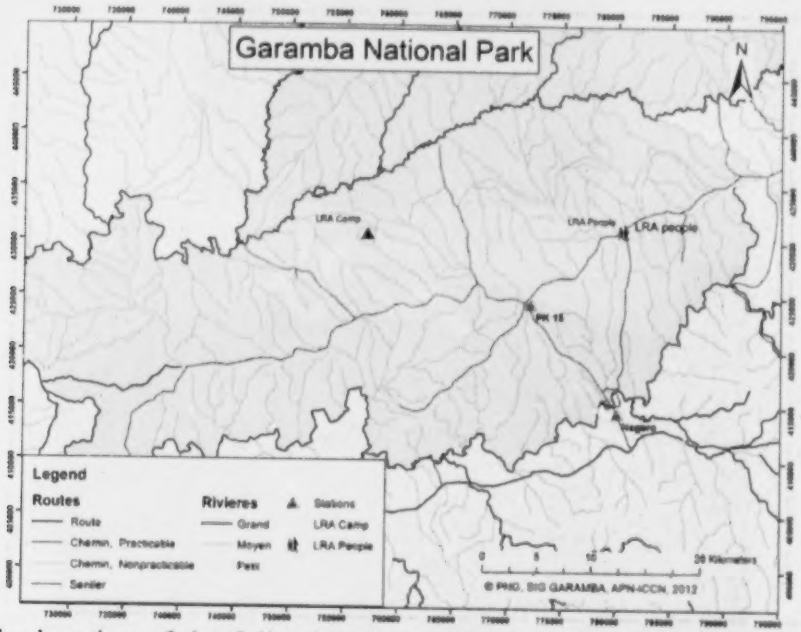


Above Left: Items recovered from a camp raided by Garamba park rangers on 13 October 2013 included one AK-47 and a Sudan People's Liberation Army (SPLA) uniform. Above Right: Close-up of the South Sudan flag on the SPLA uniform.

Ivory, elephant tails, an elephant trunk, and other items gathered from the camp of Sudanese poachers, who fled after an exchange of gunfire with park rangers, on 16 May 2012, 8km north of the park headquarters at Nagero.

Annex 101

LRA in Garamba National Park, 9-10 April 2012 (provided by park authorities)



Map showing the location of the following photos ("LRA people") and the LRA camp raided by ICCN park rangers the following day, 10 April 2012.

A line of 13 LRA people traversing Garamba National Park. The group includes men and women carrying bundles, and at least three men armed with rifles.

Close-up of two armed LRA in Garambapark.

Items recovered from the LRA camp included an axe, a hoe, a shovel, machetes, a radio, and a notebook. Below, pages from the notebook.

Annex 102

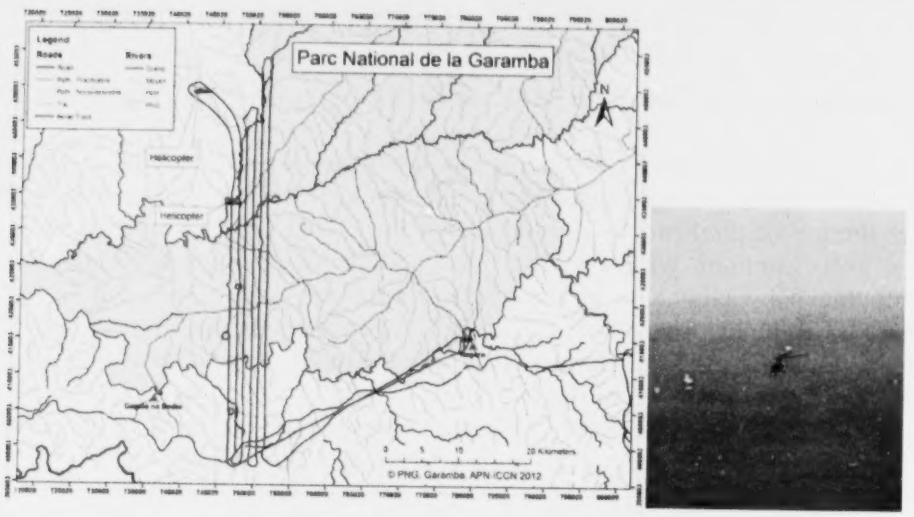
UPDF helicopter in Garamba park, April 2012 (provided by park authorities)

In March 2012, poachers killed 22 elephants in Garamba park in the biggest single mass killing of elephants recorded in recent years. The elephants were found in several groups, and most were shot in the top of the head by rounds shot from AK-47 rifles (i.e., they were not sprayed with bullets, as is common with on-the-ground poachers). Two groups of elephants were in clusters, with the baby elephants in the middle; park authorities told the Group this was a typical behavior of elephants that feel threatened. After shooting the elephants in the head, the poachers removed the tusks and, unusually, male genitalia (annex DFIvory10). Park rangers found no tracks leading away from the kill sites, which further reinforced the conclusion that the killing was done by people in a helicopter. Subsequent analyses of the elephant skulls confirmed they were shot in the head from the air (annex DFIvory11).

On 6 April, park authorities undertook an aerial survey of the park. The park aircraft encountered and followed a military helicopter, which fled from the park aircraft. Four days later, on 10 April, park rangers saw the same helicopter (registration number AF 605) flying low over the park. Ugandan authorities subsequently confirmed that a UPDF helicopter with that registration number was based in Nzara, South Sudan, as part of the force hunting for the LRA.

Park authorities told the Group that no other aircraft were viewed or detected in the park during March, when the elephants were killed.

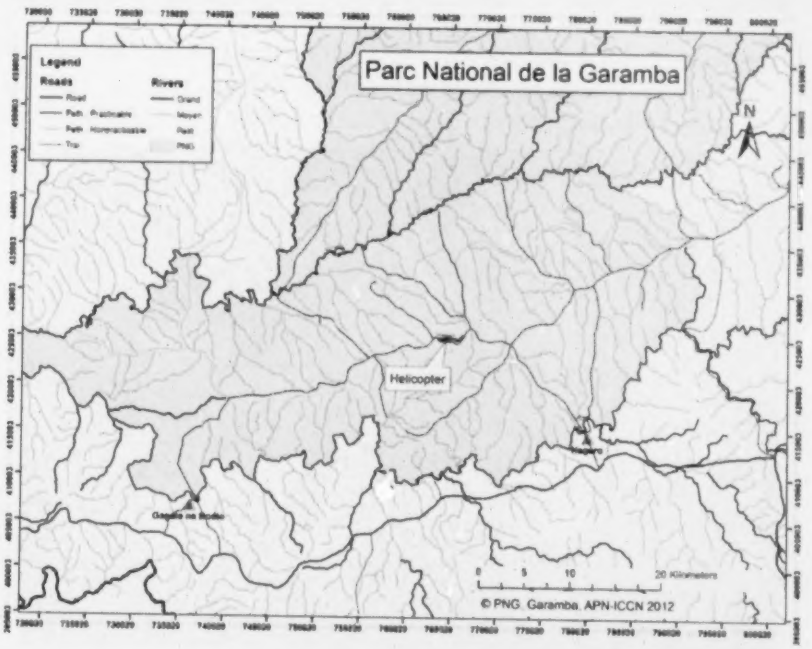
In October 2013, Ugandan authorities told the Group that the UPDF helicopter in question was not involved in the March 2012 elephant massacre. These same authorities told the Group that it was impossible for someone to shoot an AK-47 from a helicopter and kill elephants, and suggested that hunters sitting in big trees had shot the elephants from above. The Group consulted Garamba park authorities and MONUSCO military officers, who stated that it is indeed possible to shoot elephants from helicopters. In addition, based on photographic evidence at the kill sites, it is clear there are no big trees or hills in the immediate area where the elephants were killed. There have been no known cases of aerial killing of elephants since March 2012.



Map showing the location where a Garamba park aircraft encountered a UPDF helicopter on 6 April 2012 (lower helicopter mark), and the path the helicopter followed before outrunning the park helicopter (higher mark), over the Azande hunting domain. Photo on right shows the UPDF helicopter on 6 April as it fled from the park's aircraft.

Photo of UPDF helicopter, registration number AF-605, as it flew over Garambapark on 10 April 2012.

Photo of the UPDF helicopter over Garambapark on 10 April 2012 shows it was flying very low.



Map showing the location of the UPDF helicopter on 10 April 2012 as it flew low over the park.

Annex 103

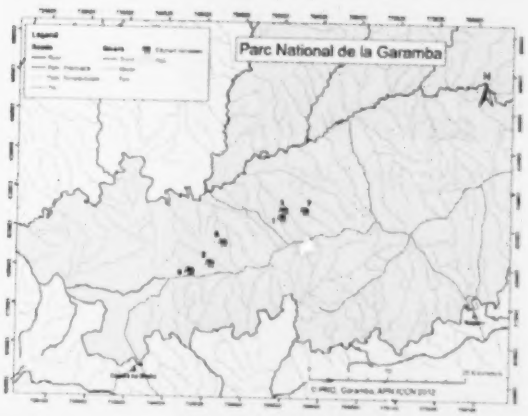
Elephants shot from the air, Garamba National Park, March 2012 (provided by park authorities and United Nations' sources)

Dead elephants clustered together, suggesting they were acting to protect themselves and the young elephants from danger. The face of the elephant in the foreground was cut off to obtain ivory; the tusks of the other elephants were also removed. The white marks are bird excrement.

A dead baby elephant lies between two dead adult elephants.

A male elephant located 10 meters from the group of five dead elephants pictured above. The poachers removed the elephant's genitalia.

Aerial view of five dead elephants – four adults and one infant. Vultures are visible on and around the corpses.

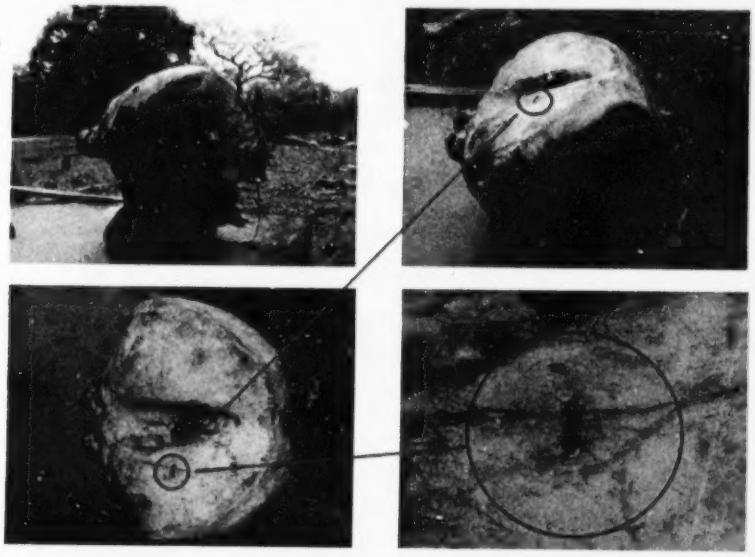


Map of the locations where the 22 elephants were killed from the air in March 2012.

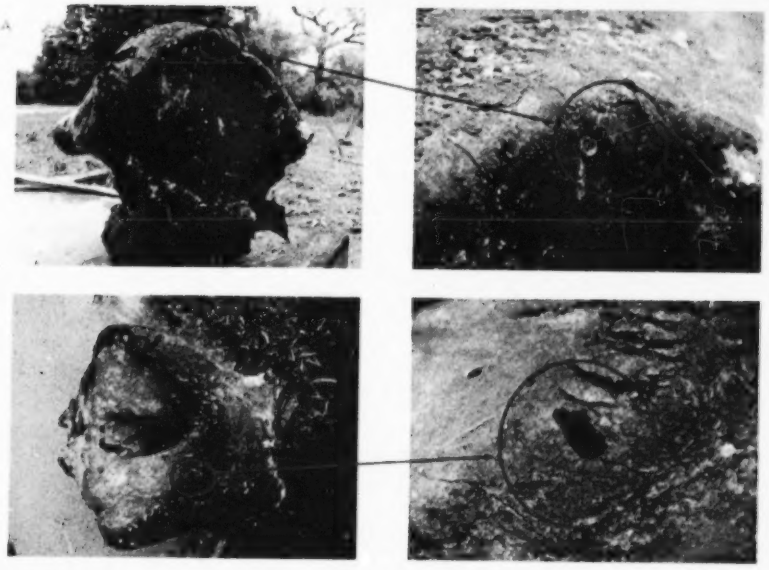
Annex 104

Skulls of elephants shot in the top of the head by poachers in aircraft, Garamba National Park, March 2012 (provided by park authorities)

Elephant poached in Garamba National Park (Skull n° 1)

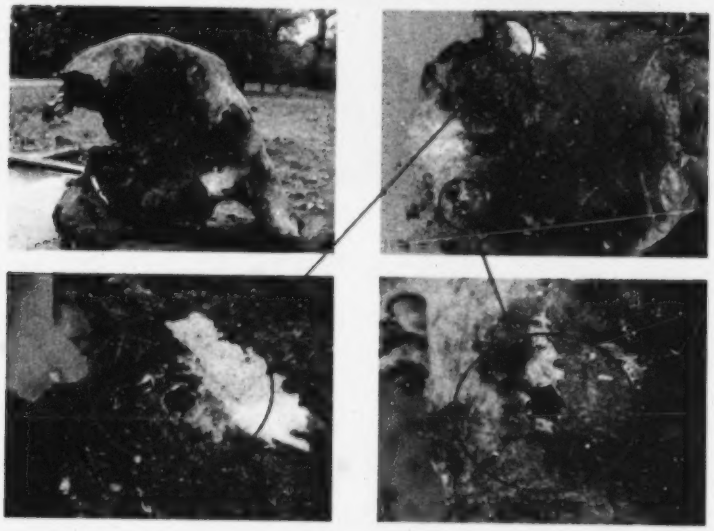


Elephant poached in Garamba National Park (Skull n° 2)



Elephant poached in Garamba National Park (Skull n# 3)

Elephant poached in Garamba National Park (Skull n# 4)



Annex 105

Building in Kasindi, DRC used by MuhindoKasebere to traffic ivory (photo by the Group of Experts)

"Mweghemero" means "pillow" in Kinande. This building includes a lodge and businesses.

Annex 106

Uganda wildlife seizures, January – October 2013 (provided by the Ugandan government)

Date	Location	Item	Number of perpetrators	Nationality of perpetrator	Results
10 Feb	Entebbe International Airport (EIA)	¼ kg of pangolin scales	Unknown	Unknown	Escaped
22 Mar	EIA	2 pcs of polished elephant thigh bones	1	Italian	Cautioned and released
23 Mar	EIA	14 pcs of polished ivory (01 necklace, 02 bangles and 11 smoking pipes)	1	Chinese	Confiscated and seriously cautioned
31 Mar	EIA	23 pcs of polished ivory	3	Chinese	Unknown
Jul	Kampala	1 piece of ivory weighing 18 kgs	1	Unknown	Unknown
Jul	Kampala &Mitoma Districts	4 pieces of ivory weighing 14 kgs	3	Unknown	Unknown
Jul	Bundibugyo and Fortportal	2 pieces of ivory weighing 8 kgs	2	Unknown	Unknown
Jul	EIA	13 pcs of polished ivory	Unknown	Unknown	Unknown
Aug	EIA	8 pcs polished ivory bangles	Unknown	Unknown	Unknown
Aug	EIA	2 pcs of ivory in the form of spears	Unknown	Unknown	Unknown
Aug	EIA	6 pcs polished ivory bangles	Unknown	Unknown	Unknown
Sep	EIA	15 pcs of worked ivory in various forms	Unknown	Unknown	Unknown
Sep	EIA	2 pcs of ivory	Unknown	Unknown	Unknown
Sep	Pakwach	2 pcs of ivory weighing 35.5kgs	1	Unknown	Unknown
Sep	Kyenjojo District	10 kgs of pangolin scales	1	Unknown	Unknown
4 Oct	Kabarole District	2 pcs of ivory weighing 20.5 kgs	2	Ugandan	Under detention; investigation ongoing
11 Oct	EIA	116 kgs of polished ivory	2	Guinean	Under detention
17 Oct	Bweyogerere	832 pieces of raw ivory weighing 2,903 kgs	Unknown	Ugandan, Kenyan	Investigations ongoing

Note: "Unknown" indicates the Government of Uganda did not provide this information to the Group of Experts.

Annex 107

Ivory Seizure in Kampala, Uganda, 17 October 2013 (from photos and video provided to the Group of Experts by the Uganda Wildlife Authority)

Ugandan authorities seized 832 pieces of ivory, weighing 2,903 kg (6,400 lbs).

A man cuts open one of the sacks in which the ivory was hidden (still image from a video).

Men extract bundles of ivory that were hidden in the sacks (still image from a video).

Several ivory tusks were bundled together in each parcel (still image from a video).

The ivory was hidden in sacks in this container, belonging to the Mediterranean Shipping Company. In the foreground are the empty sacks and material in which the ivory was packed.

Annex 108

Organizations and representatives which the Group officially met with during this mandate

Democratic Republic of the Congo

Government

Administration provinciale de la province Orientale
Administration provinciale du Katanga
Agence nationale de renseignement
Auditorat militaire
Centre d'évaluation, d'expertise et de certification
Direction générale des migrations
Direction Générale des douanes et accises
Forces armées de la République démocratique du Congo
Ministère des mines
Institut congolais pour la conservation de la nature
Police nationale congolaise
Régie des voies aériennes
Service d'appui et d'assistance au *small-scalemining*
Office Congolaise de Control
Société Congolaise des Transports et de Ports
Autorité d'Aviation Civile
Garamba Park
Okapi Reserve

Private sector

Maniema Mining Company
EtablissementsNamukaya
Mining Congo
Metachem
WMC
SAKIMA

Organizations

United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
Office of the Special Envoy of the Great Lakes Region
Observatoire du Gouvernance et Paix
Pact
Caritas
Enough
Wildlife Conservation Society
Human Rights Watch
EUSEC
Coopérative Minière de Kalimbi

Rwanda

Government

Ministry of Foreign Affairs and Cooperation
Ministry of Defence
Ministry of Disaster Management and Refugee Affairs
Rwanda Demobilisation and Reintegration Commission
Rwanda Revenue Authority
Geology and Mines Department

Private sector

Phoenix Metals Ltd
Minerals Supply Africa
Rwanda Rudniki
EtsMunsad Minerals

Burundi

Government

Ministry of Defence
Ministry of Foreign Affairs and International Cooperation
Ministry of Mines
Office burundais des recettes
National Police
National Intelligence Service
National Defence Force

Organizations

Deutsche Gesellschaft fur International Zusammenarbeit (GIZ)

Private sector

EtablissementsJbeili

Uganda

Government

Ministry of Foreign Affairs
Ministry of Defence
Ministry of Energy and Mines
Civil Aviation Authority
Office of the President
Uganda Police Force
Chieftaincy of Military Intelligence
Uganda Prisons Services
Luwero industries Ltd

Kenya

Government

Ministry of Foreign Affairs
Kenya Revenue Authority

Kenya Police
Criminal Investigations Department
National Focal Point on Small Arms and Light Weapons

Organizations
Regional Centre on Small Arms (RECSA)

United Republic of Tanzania
Government
Ministry of Foreign Affairs
Ministry of Migration
Ministry of Defence
Ministry of Mines
Tanzania Ports Authority

Belgium
Government
Ministry of Foreign Affairs
Ministry of Justice
Ministry of Defence

Organizations
International Peace Information Service

France
Government
Ministry of Foreign Affairs

Organizations
Organization for Economic Cooperation and Development
Channel Research
International Conference of the Great Lakes Region (Executive Secretariat)

Germany
Federal Prosecutor Office
Federal Ministry of Foreign Affairs

United States of America
Diplomatic representations to the United Nations
Permanent Mission of the Democratic Republic of the Congo to the United Nations
Permanent Mission of Azerbaijan to the United Nations
Permanent Mission of Argentina to the United Nations
Permanent Mission of Australia to the United Nations
Permanent Mission of China to the United Nations
Permanent Mission of France to the United Nations
Permanent Mission of South Africa to the United Nations
Permanent Mission of the Republic of Korea to the United Nations
Permanent Mission of Guatemala to the United Nations

Permanent Mission of Germany to the United Nations
Permanent Mission of Kenya to the United Nations
Permanent Mission of the Grand Duchy of Luxembourg to the United Nations
Permanent Mission of Rwanda to the United Nations
Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations
Permanent Mission of the United States of America to the United Nations
Permanent Mission of Pakistan to the United Nations
Permanent Mission of India to the United Nations
Permanent Mission of Uganda to the United Nations
Permanent Mission of the United Arab Emirates to the United Nations
Permanent Mission of the Russian Federation to the United Nations
Interpol
Delegation of the European Union to the United Nations

Government
USAID
US State Department
U.S Department of the Treasury
United States Government Accountability Office

United Kingdom
Government
Ministry of Foreign Affairs

Organizations
Global Witness
Human Rights Watch

Annex 109

GOVERNMENT OF RWANDA RESPONSE TO ALLEGATIONS BY THE UN GROUP OF EXPERTS FINAL REPORT ON DRC: 2013

INTRODUCTION

1. On 12 December 2013, the UN Group of Experts (GoE) for DRC submitted its final report to the UN Sanctions Committee.

2. The report reflects a fundamental problem, which the Government of Rwanda (GoR) had anticipated and warned against in its **annexed** letter to the Sanctions Committee No.MP/239/06.05/E/03 on 19 December 2012. The GoR indicated that the GoE 2013 could not be expected to produce an objective and credible report as long as agenda-driven individuals with proven records of bias and/or lack of professionalism were allowed to occupy key positions within the Group. For this reason, the GoR specifically objected to Bernard Leloup and Maria Plamadiala as candidates to the GoE 2013 (respectively Expert on Regional Issues and Expert on Armed Groups). Considering that the two individuals were nevertheless allowed to assume those sensitive positions and visibly took advantage of them to advance their political and ideological agendas, the GoR considers the content of the GoE final report, with respect to Rwanda, as fundamentally flawed and unreliable.

3. Nevertheless, based on its commitments as a UN Member State, the GoR continued to cooperate with the GoE and responded to all its letters and inquiries throughout 2013, including the final report which the present document is meant to respond to.

4. The GoE final report contains a series of allegations claiming that "M23 received various forms of support from Rwandan territory, including recruitment, troop reinforcement, ammunition deliveries and fire support" (Ref Pg 2, Para 1 of the GoE final Report).

5. The GoE further alleges that M23 has continued to recruit in Rwanda, even after its defeat and the eventual denouncing of its rebellion (Ref Pg 3 Para 4 of the GoE final Report).

6. The GoE claims to have based its findings on documents and onsite observations by the experts themselves and corroborated information by using at least three independent/reliable sources.

7. However, the content of the report is characteristic of the GoE's recent reports on Rwanda. There is an overreliance on anonymous sources, hearsay assertions, unidentified, un-vetted and compromised witnesses whose lack credibility would be evident to any objective investigator.

8. The GoE tendency to indiscriminately endorse any claims or testimonies that suit a pre-established narrative about Rwanda has also become an unfortunate pattern, which contravenes with the Group's obligation to independently verify the authenticity of any piece of evidence before using it in their report. Yet, the GoE itself has acknowledged the difficulty of gathering credible information in a context as politically and emotionally charged as the DRC conflict. At Pg 4, Para 3 of the GoE final report, it is indicated that "given the nature of the conflict in DRC, there are few documents that provide definitive arms transfers, recruitment, command responsibility for grave human rights abuses and illegal exploitation of natural resources" (Ref.).

9. Further evidence of the GoE's continued bias is exposed by the fact that no reference is made to the GoR's **annexed** responses to all queries presented by the UN GOE throughout 2013. Old accusations are simply recycled and restated in the final report ignoring the GoR's detailed responses.

10. Considering the many flaws indicated in this document, the UN Sanctions Committee should consider dismissing the GoE Final Report. This may also be an appropriate time for the UN Security Council to address the grave and persistent problem caused by the unrestricted latitude granted to scarcely vetted experts to smear and harm UN Member States with no proper avenue for redress.

THE GoE ALLEGATIONS AGAINST THE GOVERNMENT OF RWANDA

Denied entry to two UN GoE members to Rwanda: (Para 3).

11. The GoR, though not a member of the UNSC at the time, officially communicated its objection to the individuals in question as duly communicated in letter No.MP/239/06.05/E/03 on 19 December 2012. The detailed reasons for this objection were presented with full transparence. These objections having been ignored with no explanation provided, the GoR decided to continue its cooperation with and support to the GoE as an institution, but could not willingly cooperate with individuals whose long term agenda to harm Rwanda was established and exposed.

Allegation that remnants and allies of M23 continued to recruit from Rwanda even after the declared end of the M23 rebellion: (Para 4).

12. The M23 officially disbanded and ceased to exist both militarily and politically after its defeat and signing of the Peace Agreement in Nairobi on 12 December 2013.In this context, it is futile and disingenuous for the GoE to recycle obsolete allegations. Furthermore, as per the established GoE pattern, none of the most basic identification details of the recruiters, training camps and their would-be areas of deployment are provided to back the allegations and facilitate necessary verifications.

Allegation that RDF officers recruited for M23 and facilitated recruiters of M23 by allowing safe passage in Rwanda as well as continued support to the M23 from the Rwandan territory until late October 2013: (Para 4).

13. As indicated at paragraph 12, these are recycled allegations to which Rwanda has extensively responded in the **annexed** letters No 581/09.01/CABMIN/2012 and DNY/115/UN.12/LSC/13 to which the GoE makes no reference. It should be noted that such allegations, by their very nature, would require solid material evidence or verifiable details, none of which is provided by the GoE.

Allegation of 23 Rwandan recruits: 18 adults and 5 children, served in M23: (Para 20).

14. The GoE does not provide any necessary details (names, place of recruitment, dates, recruiters, current address) on the alleged group, making it impossible for the GoR to carry out relevant investigations.

Such unverifiable claims should not be allowed in a GoE report until basic details are available for verification and further processing.

Allegation that in August RDF soldiers crossed into DRC to join M23 in combat and delivered arms and ammunition in June, July and August 2013: (Para 21, 28, 29& 31).

15. It is unconceivable that developments of this scope and gravity would take place without leaving substantial material evidence. The GoE report does not provide details of the alleged RDF units in question; Commanders involved in the alleged supply of weaponry, quantities of weapons supplied, number of personnel involved, routes, types, amount of weapons and ammunitions supplied and evidence that establish a link between the alleged weapon types to the RDF. Unless and until the GoE is able to obtain objectively and present concrete evidence, such allegations should be dismissed.

16. For the same reason as in paragraph 15 and a fortiori, the back and forth cross-border movements of RDF troops would necessarily leave visible traces and material evidence. The GoE provides none to support its sensational claims.

Allegation that from 25-27 October, M23 received fire support from RDF tanks at the Rwanda-DRC border at Kabuhanga-Kabuye: (Para 14& 30).

17. Throughout the period under review, no RDF tanks were deployed in the area mentioned by the GoE. Additionally, the area has been subject to investigations by EJVM regarding cross border movements and firing. There exists no report by the EJVM to this effect. During its many visits and in its correspondences with the GoR, the GoE never inquired if any technical investigations were conducted by GoDRC, EJVM or MONUSCO as was done by Rwanda regarding the bombing on its territory from the DRC territory, Ref: DNY/64/UN.09/LSC/13 as **annexed**.

18. An established tank firing position characteristically leaves indicative marks on the ground for a prolonged period after firing. In spite of its frequent visits in the area, the GoE made no reference to this allegation and no verification was carried out to find relevant evidence on the ground. A further indication of the GoE partiality is the visible contempt with which it treats the GoR's official accusations on the bombing

of Rwandan territory by the FARDC. The GoE only makes an unverifiable reference to a so-called ex-RDF source that claimed the bombing on Rwanda territory was carried out by M23 (Ref: GoE Report Pg5; on shelling of DRC and Rwanda).

Allegation that an ex-RDF soldier known as "Kifaru" was a crew member for the T-55 tank that M23 used in combat and that Maj. Kalisa Rwema is an Ex RDF officer who served as a trainer for M23 at Rumangabo: (Para 22 &30).

19. Kalisa Rwema is a former member of the RDF who was officially dismissed in 2007 on account of indiscipline. The RDF cannot be held accountable for his movements and actions subsequent to his dismissal. GoR has repeatedly availed its support to the GoE in establishing the exact circumstances of any Rwandan national joining M23 or any other armed group. This would have been done for Kalisa Rwema had the GoE sought clarification. The RDF records of active and demobilized soldiers RDF soldiers do not have any officer by the name or nickname of Kifaru. The GoR would appreciate further details to help identify this individual.

Allegation that dead and wounded Rwandan soldiers were transported to Rwanda for burial or treatment: (Para 11).

20. The GoR has repeatedly stated that not a single RDF soldier ever got involved in the fighting between the FARDC and M23.Therefore, the alleged burial or treatment could not have taken place. The responsibility to provide contrary evidence lies with those who repeatedly make such claims; in this case the GoE and its alleged sources.

21. The GoR highly values the lives of its servicemen and women. Beyond the usual lack of basic details to substantiate such a grave allegation (dates, names, unit designation), the GoR takes serious offence on the reckless inclusion of such insensitive and abusive allegations in a UN report.

CONCLUSION:

22. The GoR takes exception to the persistent and systematic bias that continues to characterize GoE's reporting on Rwanda and its selectiveness regarding contextual considerations on the DRC crisis. A

29. The GoR is involved in various initiatives and mechanisms aimed at supporting peace and stability in EDRC. The situation in DRC has substantially evolved with the decisive end of M23, both politically and militarily. The UN Sanctions committee should appreciate that all allegations against Rwanda contained in the GoE's 2013 report have no relevance in the current circumstances. To the contrary, these allegations may undermine the ongoing efforts that are focused on forward looking solutions. The Sanctions Committee should thus consider removing these allegations against Rwanda in the final report.

End

Annex 110

GoE response to GoR response

This document serves as a response from the Group of Experts (GoE) to the document annexed in the letter from the Government of Rwanda (GoR) dated 15 January 2014 addressed to the Chair of the 1533 Committee, entitled "Government of Rwanda response to allegations by the UN Group of Experts final report on DRC: 2013."

During the course of its mandate under Resolution 2078, the Group of Experts (GoE) conducted field research in the Democratic Republic of the Congo (DRC), Burundi, Kenya, Rwanda, Tanzania, and Uganda; however, the Government of Rwanda blocked two Group members from entering its territory. The Group also had official meetings in Belgium, France, Germany, the United Kingdom, and the United States. As noted in paragraph 2 of the Group's final report, the Group used evidentiary standards recommended by the Informal Working Group of the Security Council on the General Issues of Sanctions. The Group based its findings on documents, photographs, videos, observation by Group members, and testimonies.

Due to the nature of conflict in DRC, there are few documents, photographs, or videos that provide incontrovertible proof of arms transfers and troop movements. The Group thus based much of its research on testimonies from people with primary knowledge of the events being investigated, and required a minimum of three independent and reliable sources for each finding. The Group sometimes interviewed key witnesses several times, in the presence of two or more Group members. The Group also checked information obtained from testimonies with third parties, including civil society leaders, government officials, and UN sources.

In its response to the GoE final report, the GoR makes ten claims about the GoE and its findings.

Claim 1: Reliance on witness testimony

The GoR response states: "There is an overreliance on anonymous sources, hearsay assertions, unidentified, un-vetted and compromised witnesses whose lack credibility would be evident to any objective investigator" (GoR, para. 7).The Group disagrees with this claim.

For its section on M23 – which is the focus of the GoR response – the Group took and obtained photographs of M23 positions; made observations on the ground in and adjacent to M23-held areas; reviewed reports generated by United Nations' (UN) agencies and the Extended Joint Verification Mechanism (EJVM); and analyzed documents retrieved from former M23 positions after their defeat.

The Group also used witness testimonies, including from 71 M23 ex-combatants and political cadres. Of these ex-combatants, 34 were recruited in DRC, 23 in Rwanda, and 14 in Uganda. Of the 23 ex-combatants recruited in Rwanda, 18 were Rwandan citizens, and five were Congolese citizens. The Group interviewed these ex-combatants in numerous locations, and at different times between February and December 2013. The Group also interviewed residents of areas under M23 control, including civil society leaders and villagers, as well as displaced people. Finally, the Group interviewed community leaders in North Kivu, Congolese government officials, EJVM members, and UN officials.

The Group notes that witness testimony provided essential, first-hand accounts of the events and processes described in its report, not just for the M23 section, but for all sections. These

sources will remain anonymous, in accordance with UN guidelines, in order to protect confidentiality and the security of those who speak to the Group. Throughout its mandate, the Group was aware of the potential for witnesses to interject hearsay into their testimony; however, as noted above, the Group addressed this possibility by vigorously cross-checking information with other independent sources. The Group discarded information it deemed to be rumor, or which was not adequately vetted, and only retained findings that had support from numerous data points. In some cases, dozens of people independently confirmed the same events and processes, as noted in the GoE report, and below.

Claim 2: GoE did not reference GoR evidence

The GoR response states: "Further evidence of the GoE's continued bias is exposed by the fact that no reference is made to the GoR'sannexed responses to all queries presented by the UN GOE throughout 2013. Old accusations are simply recycled and restated in the final report ignoring the GoR's detailed responses" (GoR, para. 9). The Group disagrees with this claim.

The Group appreciates the cooperation it received during its mandate from the Government of Rwanda. The Group had three official visits to Rwanda, during which government officials shared information orally and in writing in response to Group requests. The Group also wrote official requests for information to the Government of Rwanda, and received responses to most of its inquiries. The Group used information in its final report that was provided or facilitated by GoR, particularly on the shelling of Goma and Rwandan territory (Box "Shelling of DRC and Rwanda"), the FDLR (GoE, paras. 90, 94, 97), and minerals (GoE, para. 224). The Group notes it did not receive a response from the Government of Rwanda on some topics, for example the October firing incident (GoE, para. 30).

The Group also used other information provided by GoR in its mid-term report (S/2013/433). The Group cited such information in sections on M23 (paras. 28-30; annexes 12, 14, 42), FDLR (paras. 97, 99, 104; annexes 50-53), and minerals (para. 192). The Group also included photographs of weapons GoR recovered from M23 (annex 13), and of weapons and other items (including identification cards) recovered from FDLR (annexes 54-55).

Claim 3: GoR denied entry to two GoE members

The GoR confirms it denied entry to two GoE members (the Armed Groups and Regional experts) during the entire course of the mandate (GoR, para. 11). The Group notes this is contrary to paragraph 20 of Resolution 2078, and calls attention to the fact that Rwanda is the only country that barred entry for any DRC GoE members during the mandate.

Claim 4: M23 recruitment in Rwanda

The GoR disputes GoE's finding that remnants and allies of M23 continued to recruit in Rwanda after the official end of hostilities (GoR, para. 12). The Group stands by its finding, which was based on reports from UN sources and Congolese authorities (GoE, para. 38).

Claim 5: RDF recruitment for M23

GoR claims "... allegations [of RDF recruitment support to M23], by their very nature, would require solid material evidence or verifiable details, none of which is provided by the GoE" (para. 13). The Group stands by its finding, which was based on five testimonies: two RDF officers who had deserted; a demobilized RDF officer; a former M23 officer;and a M23 recruiter of Rwandan nationality.

Claim 6: Rwandan recruits in M23

GoR claims the GoE did not provide sufficient details ("names, place of recruitment, dates, recruiters, current address") to enable it to carry out investigations of M23 recruitment in Rwanda (GoR, para. 14). The Group notes that this claim is challenged by information in the GoR's own response.

The Group identified two Rwandan men – Kifaru and KalisaRwema – who it found had served with M23 during 2013 (GoE, para. 22). In GoR's response, it confirms that based on GoE's findings, GoR authorities conducted an investigation that confirmed one of these men had previously served in the RDF (GoR, para. 19). GoR also investigated the second man, but reports it did not find evidence he had previously served with the RDF. The GoR investigations of these two men thus contradicts GoR's claim that GoE's findings were inadequate.

The Group also provided a document recovered in November in a former M23 position that confirms M23 paid "Emmanuel Ngabo $750 to help cadres recruiting for M23 in Gisenyi Rwanda" (GoE, para. 24, annex 16). This document should enable GoR to investigate Mr. Ngabo and the M23 recruiting network in Gisenyi; however, GoR's response makes no reference to Mr. Ngabo or other Gisenyi-based M23 recruiters.

The GoE also interviewed 23 M23 ex-combatants who had been recruited in Rwanda: 18 Rwandan citizens (including five children), and five Congolese citizens (paras. 20-21). The Group has already noted that it protects the confidentiality of its sources; this is particularly important for the five Rwandan children recruited into M23.

Claim 7: RDF crossing into DRC

GoR claims that the GoE alleged that "…in August RDF soldiers crossed into DRC to join M23 in combat and delivered arms and ammunition in June, July and August 2013: (Para 21, 28, 29& 31)." The Group stands by its finding that RDF soldiers crossed into DRC in August, but notes that it did not claim that RDF soldiers delivered arms and ammunition to M23.

The Group determined, first, that during August 2013, RDF troops crossed into DRC to support M23. The Group obtained this information from 17 witnesses: three ex-RDF soldiers, ten local residents in Kibumba, and four M23 ex-combatants (GoE, para. 29; see also annex 18). In addition, several Congolese government officials and UN sources corroborated the statements made by the witnesses, based on their own intelligence. The number and variety of sources made the Group sufficiently confident of the veracity of its finding.

The Group also determined that people brought arms and ammunition from Rwandan territory to M23; however, the Group did not obtain sufficient evidence to concretely identify the identities of those who delivered the arms and ammunition, except in the cases of M23 members who told the Group they personally carried ammunition across the border (GoE, para. 31). The Group's sources for the finding of arms and ammunition coming from Rwanda included "twenty-eight former M23 combatants, local people living in DRC close to the Rwandan and Ugandan borders, Congolese authorities, and UN sources" (GoE, para. 31).

Claim 8: RDF tank fire in support of M23

The GoR claims that from 25-27 October, "no RDF tanks were deployed in the area mentioned by the GoE [Kabuhanga-Kabuye]" (GoR, paras. 17-18), thus suggesting it was impossible that RDF tanks shot into DRC in support of M23 (GoE, para. 30). The Group stands by its finding, which was based on witness testimony, and supported by photographic evidence.

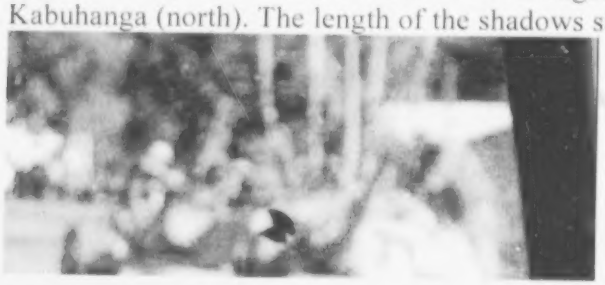
The Group introduces in this document photographic evidence from 25 October that confirms that at least two RDF T-55 tanks and three RDF armored personnel carriers (APCs) were in the Kabuhanga area.

Between 1600 and 1715 on 25 October, two GoE members in Rwanda observed and photographed the tanks and APCs on the road to Kabuhanga (the dirt road extending north from the main Ruhengeri-Gisenyi road). The Group did not initially include this evidence in its final report because it was not obtained during an official visit to Rwanda; however, the Group has chosen to release these photos at this time in order to properly respond to GoR's claim. The photos are included, below.

While the tanks and APCs were not located at Kabuhanga, the Group observed and documented their arrival to the Kabuhanga road. Without engaging in a discussion of what constitutes the "area mentioned by the GoE", the Group believes that its observation contradicts the claim made by GoR with respect to deployment of RDF tanks.

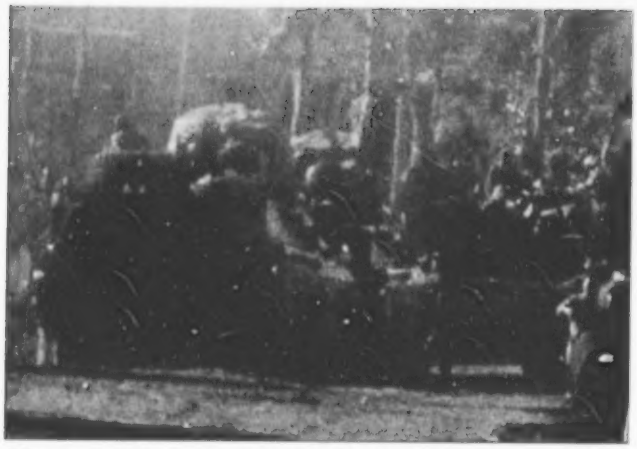
In addition to this photographic evidence, the Group obtained witness testimony from more than 30 people confirming that RDF tanks were present at Kabuhanga late on the afternoon of 25 October, and that these tanks fired into DRC territory (GoE, para. 30). These testimonies came from a diverse group of people – including Congolese and foreign citizens – which makes it highly unlikely that the story was developed as a conspiracy or due to hearsay.

Photo taken around 1600 on 25 October showing two T-55 tanks on the Kabuhanga road, approximately 100 meters from the Ruhengeri-Gisenyi road. The tanks are facing toward Kabuhanga (north). The length of the shadows shows this photo was taken in the late afternoon.



Close-up of the tanks in the first image (above).

Photo taken at approximately 1715 on 25 October from the Ruhengeri-Gisenyi road at the junction with the Kabuhanga road, looking north, in the direction of Kabuhanga. On the right side is a truck with a trailer, of the type RDF uses to transport tanks along stretches of tarmacked roads. In the center of the photo is an APC, which was arriving at the junction. Several vehicles can be seen approximately 50 meters down the dirt road, which leads to Kabuhanga (see below).



Close-up from the photo above shows two APCs (with guns covered by brown tarps) and one tank, which are all facing in the direction of Kabuhanga.

Claim 9: Ex-RDF in M23

As noted above (Claim 6), GoR confirmed that it investigated two men who served with M23 as a result of GoE's final report and confirmed that one man – KalisaRwema – "was officially dismissed [from RDF] in 2007 on account of indiscipline" (GoR, para. 19). The GoR states it found no information about a man named Kifaru having served in RDF. The Group thanks GoR for conducting this investigation and confirming GoE's finding about KalisaRwema being an ex-RDF soldier.

Claim 10: Dead and wounded RDF sent to Rwanda

GoR disputes the finding contained in the GoE report that RDF soldiers were transported to Rwanda for burial or treatment (GoR, para. 11). GoR states no RDF troops ever served with M23; therefore "the alleged burial or treatment or treatment could not have taken place." The Group stands by its finding, which was based on testimonies of former M23 combatants, taken by the Group at different times and in different locations.

Annex 111

SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 1533 (2004) CONCERNING THE DEMOCRATIC REPUBLIC OF THE CONGO

S/AC.43/2013/COMM.8
23 January 2013
ORIGINAL: ENGLISH

Letter dated 22 January 2013 from the Mr. Makhtar Diop, Vice President, Africa Region of the World Bank addressed to the Chair of the Committee

Thank you for your letter to our Special Representative to the UN, dated 28 December, 2012, regarding the recommendation ofthe UN Group of Experts on the Democratic Republic ofthe Congo (DRC) that "[d]onors to the Rwandan demobilization programme ... more closely monitor the reintegration of former FDLR combatants" from the DRC. Your letter requested the views of the World Bank with respect to this recommendation.

The World Bank has been supporting efforts ofthe Government of Rwanda (GoR) to demobilize and reintegrate ex-combatants since 2001, through the two phases of our Emergency Demobilization and Reintegration Project (EDRP). The project, which is implemented by the Rwanda Demobilization and Reintegration Commission (RDRC), has assisted in demobilizing and reintegrating 9,970 adult ex-combatants (of which 8,300 are FDLR), and 871 child soldiers.

The project includes a number of mechanisms for tracking, monitoring and followingup on ex-combatants who have been demobilized through the GoR program:

• Ex-combatants who wish to enter the program are first screened and registered by the United Nations in DRC, before being repatriated to Rwanda and handed over to the RDRC. The UN list of ex-combatants registered and repatriated is cross-checked with the list of ex-combatants received by the RDRC in Rwanda.

• Once in the program in Rwanda, the RDRC registers all ex-combatants with personal information and a photograph, and records the community and location to which they wish to return. RDRC, which has Reintegration Officers in all Provinces, also works with communities, representatives of ex-combatants, as well as local authorities and service providers to monitor potential issues.

• Because adult ex-combatants receive cash payments, the project undertakes random payment verification surveys to ensure that individuals received the cash.

These surveys require directly contacting demobilized individuals. To date, payment verification surveys have been able to track down adult ex-combatants randomly captured through this verification process, and these ex-combatants have been found in the territory of Rwanda.

• In addition, the project regularly carries out studies and S\]lVeys on specific topics, providing project staffwith opportunities to learn about the medium- and long-term consequences of demobilization and reintegration of ex-combatants who have gone through the program.

In addition, the Project collaborates closely with partners and stakeholders to follow-up on issues or concerns related to the pro gram. In particular:

• The International Committee ofthe Red Cross (ICRC) acts as an independent third-party monitor of the demobilization and re-integration process, and has full access to the list of registered ex-combatants and unrestricted access to them when they are in Mutobo.

• RDRC has established a Technical Coordination Committee that is open to partners and other stakeholders and designed to follow-up on any issues or concerns relating to the program. The Committee has met roughly every three months and provides a useful forum for sharing information and checking on project implementation and effectiveness.

• The project team has a full-time Bank staff member who (though based in Rwanda) travels extensively to eastern DRC to coordinate with the UN Mission there, interacts regularly with the Commission and its staff, frequently visits the Mutobo and Muhoza Centers, and periodically reviews the intake of new ex-combatants, the use of the data and Management Information System, and who also cross-checks data with the UN Mission in DRC.

To date, none of these monitoring mechanisms have uncovered any evidence that excombatants who have benefited from the program are systematically being re-recruited into the conflict in eastern DRC. This finding does not preclude the possibility that some ex-combatants have returned to DRC, on their own initiative; however, according to our findings, such "recycling", if it exists, is not systematic, and in particular is not supported by the GoR entities that are involved in the EDRP.

Nevertheless, the World Bank takes the allegations outlined in the GoE's report very seriously. For that reason, after the report was made available, the World Bank conducted a supplementary mission to investigate the GoE allegations in detail with representatives of our GoR and donor partners (Germany, Netherlands, and Sweden). This mission also found no evidence of systematic re-recruitment of project-assisted excombatants back into the conflict in eastern DRC. The mission confirmed that the project has in place measures (described above) that are highly likely to alert the Bank team and its funding partners either to systematic re-recruitment or indeed to significant voluntary and self-initiated redeployment in eastern DRC, if such re-recruitment or redeployment were occurring. Finally, the mission suggested some improvements to the project's Management Information System, which the RDRC is now implementing.

In the view of the World Bank, the EDRP remains an important vehicle for enabling Rwandan combatants fighting in eastern DRC to lay down their arms and transition peacefully back into their communities in Rwanda. Ending the program would close one of the few avenues available for supporting combatants through this difficult transition, and could indirectly prolong the conflict. For this reason, the World Bank remains committed to making this project a success, while also ensuring that funding is used for the purposes intended. My team would be happy to provide further details regarding the Bank's work in this area if you so desire.

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REFERENCE: S/AC.43/2012/OC.69

21 December 2012

Excellency,

On behalf of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, I have the honour to refer to the final report of the Group of Experts on the Democratic Republic of the Congo, dated 15 November 2012 (S/2012/843), which is available on the Committee's website: <http://www.un.org/sc/committees/1533/egroup.shtml>

In this connection, the Chair wishes to draw your attention to the following recommendation, which was presented by the Group of Experts in the aforementioned report:

> Paragraph 243 (m) (page 56): Donors to the Rwandan demobilization programme to more closely monitor the reintegration of former FDLR combatants from the Democratic Republic of the Congo.

The Committee would welcome receiving at your earliest convenience the views of the World Bank with regard to the above-mentioned recommendation.

Please accept, Excellency, the assurances of my highest consideration.

Agshin Mehdiyev
Chairman
Security Council Committee established
pursuant to resolution 1533 (2004) concerning
the Democratic Republic of the Congo

Her Excellency
Mrs. Dominique Bichara
Special Representative of the World Bank
to the United Nations

Annex 112

SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 1533 (2004) CONCERNING THE DEMOCRATIC REPUBLIC OF THE CONGO

S/AC.43/2013/COMM.8/Add.1
25 April 2013
ORIGINAL: ENGLISH

Letter dated 24 April 2013 from the Coordinator of the Group of Experts on the DRC addressed to the Chair of the Committee

REFERENCE: S/AC.43/2013/GE/OC.23

In a letter dated 22 January 2013 addressed to you, which was subsequently circulated in the Committee and to the Group, Mr. Makhtar Diop, Vice President of the Africa Region of the World Bank, disputed a finding by the 2012 Group of Experts (GoE) regarding the recruitment of ex-FDLR combatants at the Mutobo centre in Rwanda. This letter was shared with the Group of Experts by the Secretariat following its circulation in the Committee on 23 January 2013 (as S/AC.43/2013/COMM.8). The Group would like to address the points made in this letter, and would be grateful if this official correspondence could be sent to the World Bank and members of the Committee, for their information.

The 15 November 2012 GoE report (S/2012/843) stated the following about recruitment at Mutobo:

> 157. The Group interviewed four former FDLR combatants who had been demobilized in the Democratic Republic of the Congo and re-recruited from the Mutobo demobilization and reintegration centre in Rwanda in September 2012. Upon their arrival at the centre, its permanent director, Frank Musonera, separates young boys targeted for recruitment, including children aged below 16 years. In one case, on 15 August 2012, he sent five former FDLR child soldiers between the ages of 13 and 16 years to Kinigi, where Rwandan troops forced them to carry boxes of ammunition and join M23 [...].

The November 2012 GoE report confirmed that RDF officers and individuals supporting M23 recruited demobilized soldiers in Rwanda, including former FDLR combatants. The Group based its conclusion on a series of testimonies of former FDLR soldiers and officers who surrendered after serving with M23 in the DRC, and on accounts of former RDF officers, M23 collaborators and Congolese politicians. These sources confirmed the recruitment of demobilized RDF and FDLR soldiers for service in M23, and reported that such recruitment was carried out at the Mutobo demobilization base, as well as in other villages in western Rwanda.

In its response to the GoE report, the World Bank stated that its monitoring mechanisms for Mutobo had not "uncovered any evidence that ex-combatants who have benefited from the program are systematically being re-recruited into the conflict in eastern DRC" (p. 2). The Bank's letter also stated: "This finding does not preclude the possibility that some ex-combatants have returned to DRC, on their own initiative; however, according to our findings, such 'recycling', if it exists, is not systematic, and in particular is not supported by the GoR entities that are involved in the EDRP" (p. 2).

While the Bank opines that some former FDLR combatants might have voluntarily returned to Congo, it however fails to consider a third possibility, which was documented by the Group of Experts: that targeted recruitment of former FDLR combatants took place at Mutobo during August and September 2012, with the knowledge and participation of program staff.

The Group of Experts stands by its original assertion that during August and September 2012, Rwandan authorities in charge of the Mutobo centre allowed agents acting on behalf of the M23 rebel group to recruit former FDLR combatants. The Group's finding about recruitment at Mutobo was based on interviews with several former combatants who had been recruited at Mutobo and sent to the DRC to become part of the M23 group, as well as interviews with other M23 surrenders who had witnessed the arrival of recruits from Mutobo. The Group did not find, nor did it claim, that such recruitment was "systematic", but given its finding that recruitment did in fact take place, even on a limited scale, the Group believes that its recommendation that "[d]onors to the Rwandan demobilization programme [...] more closely monitor the reintegration of former FDLR combatants" (para. 243(m)) was – and remains – appropriate.

The Group is encouraged by the World Bank's statement that "the project has in place measures [...] that are highly likely to alert the Bank team and its funding partners either to systematic re-recruitment or indeed to significant voluntary and self-initiated redeployment in eastern DRC, if such re-recruitment or redeployment were occurring" (p. 2). However, the Group encourages the Bank to also monitor the program at Mutobo for episodic, opportunistic re-recruitment of former FDLR combatants, with or without the knowledge or participation of Rwandan government officials.

Annex 113

SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 1533 (2004) CONCERNING THE DEMOCRATIC REPUBLIC OF THE CONGO

S/AC.43/2013/COMM.7
23 January 2013
ORIGINAL: ENGLISH

Letter dated 22 January 2013 from the Managing Director of ITRI addressed to the Chair of the Committee

I am writing in response to your letter of the 21st December 2012 (reference: S/AC.43/2012/OC.65) in relation to the November 2012 UN Group of Experts (GoE's) Report on the Democratic of the Congo. Specifically we note your interest in our views on the recommendations made in Paragraph 243 (j):

> *(j) Exporters, processing industries and consumers of tin, tantalum and tungsten mineral products from the eastern Democratic Republic of the Congo and other "red flag" locations to invest in traceability and due diligence in the Kivus, Katanga, Maniema and Orientale Provinces in order to halt cross-border smuggling and preserve the credibility of the Rwandan tagging scheme;*

I can confirm that ITRI staff, members and partners are fully aware of the recent report, and pay close attention to relevant recommendations contained within - as has been the case for GoE's reports released in previous years. ITRI and ITRI members were the first to respond to the GoE's recommendations for written assurances of mine source, and subsequently, the first in 2009, to develop a due diligence system to assist companies trading in minerals from the conflict affected regions to meet the goals of the UN and OECD guidance.

The ITRI Tin Supply Chain Initiative (iTSCi) has developed from a pilot project on cassiterite at one mine in 2010, to encompass extensive areas of the DRC and Rwanda, and include significant numbers of both local and international trading companies. We have made a significant contribution to the spread of information and knowledge on due diligence within most of the markets mentioned in your recommendations.

Although launched and primarily operated by ITRI, our commitment extends to inclusion of tantalite and wolframite (non-tin) minerals despite this activity being beyond the normal mandate of our activities. ITRI is therefore a leader in promoting positive progress in all 3 mineral sectors although there is no business case for us to do so.

The iTSCi membership programme includes exporters, processors and some consumers who are all committed to traceability and due diligence. We currently work with 51 accepted members and 40 provisional members in the upstream supply chain who apply the OECD and UN due diligence guidance as part of the programme. This not only covers exporters but also those further upstream such as the local mine co-operatives. We also have 7 associate members, downstream consumers of the 3T minerals, who may not necessarily purchase the final metal but nevertheless would like to positively support the programme. These companies are located in more than 19 countries.

The programme is operating in Katanga, Maniema and South Kivu in the DRC, and in Rwanda. Further details are provided in Annex 1. We do not consider it sufficiently secure to begin any operations in North Kivu, and

our agreement with the Congolese Government does not extend to allowing activity in Province Orientale. Taking this into account, we have already expanded activities in all possible areas mentioned in paragraph 243j.

Industry faces significant challenges to cover the cost of applying the recommended due diligence processes in remote and inaccessible areas with limited infrastructure in terms of transport and general communication. None of the areas mentioned above could have begun operations without some other external donor or downstream financial assistance, and it remains uncertain whether the on-going costs can be made sustainable in the longer term. Unfortunately, there is limited interest from outside the region to invest in mining businesses until both the political and security circumstances are more stable and this is unlikely to change in the immediate future. In the meantime, costs of the programme are mainly borne by local producers through pricing adjustments despite business challenges to such financing. Even so, it has been impossible to raise sufficient funds to begin iTSCi in Burundi or Uganda due to the relatively small production from those countries. Similarly, Tanzanian and Zambian artisanal miners have difficulty taking their mineral to market as the start-up costs of due diligence in those locations are prohibitive.

Business investment in mining operations from parties outside the DRC, which would introduce investment in due diligence, remains unlikely while the general international community, and metal buyers in particular, are not yet comfortable with the purchase of minerals from the DRC. Continuing negative publicity and minimal reporting on progress and successes prolongs international concerns and avoidance of purchasing and/or investment.

We note your comment regarding cross-border smuggling, and of course while recognising that this will always be an issue, believe that it may not be as significant as sometimes implied. The GoE's report itself makes no clear conclusion;

> *176. The scale of laundering of Congolese minerals in the Rwandan tagging system is impossible to estimate on the basis of the incidents highlighted above. There is, however, a clear correlation between the shifting predominance of tantalum ore and tungsten ore mining close to the border and the increasing exports by Rwanda of those minerals.*

We retain some concerns over the validity of both the individual 'incidents' described in previous paragraphs of the report, which refer to companies that do not exist and sites that are known to be inactive, as well as the general remark concerning increased exports from Rwanda. We have not observed any clear increasing trend in exports in the year preceding the most recent UN report. Please see Annex II.

At the same time, it of course remains challenging to control mineral trade in Rwanda and we have budgeted for additional field staff in 2013 in order to increase the frequency of site visits, and ensure credibility can be maintained. As industry representatives, we do not have the power or mandate to control border crossings, and would never presume to supplant the Governments responsibility for doing so. Other donors would however be in a position to focus efforts on capacity of the relevant institutions.

It would be possible to achieve our shared goals more effectively if there was to be a greater level of direct co-operation between UN experts and iTSCi staff. It appears that there has been limited verification of the information in the UN report prior to its publication, either with the companies involved or ourselves, and the UN has not been able to provide the level of information on each incident/concern that would allow us to follow up and take appropriate action.

We would also like to comment on another of the recommendations put forward in Paragraph 243, specifically;

(ii) The Democratic Republic of the Congo to leverage commercial interest in tin, tantalum and tungsten minerals for enhanced socioeconomic development in artisanal mining zones;

As noted above, external investment in artisanal mining is unlikely, especially at a time of uncertainty created by the review of the DRC mining code. However, the iTSCi programme itself aims to assist in the continuation of all types of mining, inclusive of artisanal sites, whenever funds allow. As a result of the current activity of the programme more than 50,000 miners remain in work and able to export to international markets, and assuming 5 dependents for each miner, this means that we have prevented an embargo that would otherwise have been imposed on 250,000 people.

Since 2010, iTSCi costs/investments have amounted to around US$8million, not including substantial other unaccounted costs for increased staff within local authorities and participating companies alike. I therefore hope that you may appreciate our commitment to progressing traceability and due diligence through a system which remains the only practical option for sourcing from central Africa.

I also attach a summary sheet of progress with the iTSCi programme so far. Should you wish to discuss anything further please feel free to contact me.

Yours sincerely,

David Bishop
Managing Director

ANNEX 1: SUMMARY OF THE PROGRESS OF TRACEABILITY AND DUE DILIGENCE PER AREA

Please review the general iTSCi programme videos found here: http://vimeo.com/album/1988632

Katanga Province, DRC – operating since 1st April 2011
We find the recommendation to invest in traceability and due diligence in Katanga slightly puzzling since iTSCi was launched in that Province in April 2011, and has been rolled out across all 3T mineral production areas since that time. The Programme already includes almost every mine site considered to be eligible and conflict-free within the area producing the equivalent of approximately 3,500-4,000 tonnes of mineral per year. We note that this has not been extensively discussed within the recent GoE's report although we had provided information, including for example making available incident reports and explanations of mitigation actions.

Maniema Province, DRC – operating since 17th December 2012
The iTSCi programme has had the objective to begin in Maniema since late 2011, however, this was hampered by lack of sufficient resource, as well as the lack of international agreement on how to dispose or trade out the significant quantity of stocks that exist in that location. Since the first of these issues has been partially resolved, the programme is now underway in the most secure central areas of the Province. Please see the press release: https://www.itri.co.uk/index.php?option=com_zoo&task=item&item_id=2624&Itemid=177

Note that we had also invested in an independent assessment report on the security situation in Maniema during 2012 in order to encourage industry involvement in that area and enable the start of traceability and due diligence; please see https://www.itri.co.uk/index.php?option=com_mtree&task=viewlink&link_id=53088

South Kivu Province, DRC – operating since 24th October 2012
The original iTSCi pilot mine site operated in South Kivu in 2010 until the general mining suspension of the DRC Government, making continuation impossible. Following the end of the suspension, the requirements of the CFS audit programme and Dodd Frank caused metal buyers to turn away from the area completely. Only with the intervention of the Government of the Netherlands has it been possible to work together to find end users willing to purchase the tin arising from that same pilot mine, and allow the programme to restart.

Please see, https://www.itri.co.uk/index.php?option=com_zoo&task=item&item_id=2574&Itemid=177

North Kivu Province, DRC – not considered conflict-free
There are no mine areas or transport/export routes considered appropriately secure in North Kivu to allow the production of credible conflict-free minerals, or to allow iTSCi staff who would be required to be permanently in the mining areas to be suitably protected.

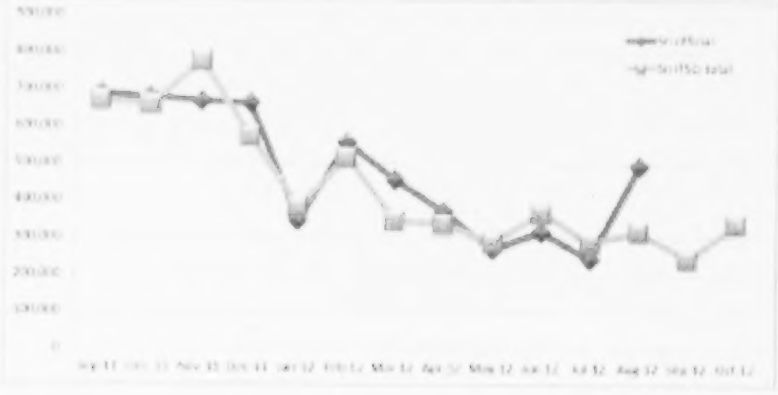
Orientale Province, DRC – not a major area of interest
The ITRI Memorandum of Understanding with the Government of the DRC does not include this Province since it is not considered a significant 3T production area at this time. We do not have the mandate to start activities in Orientale Province.

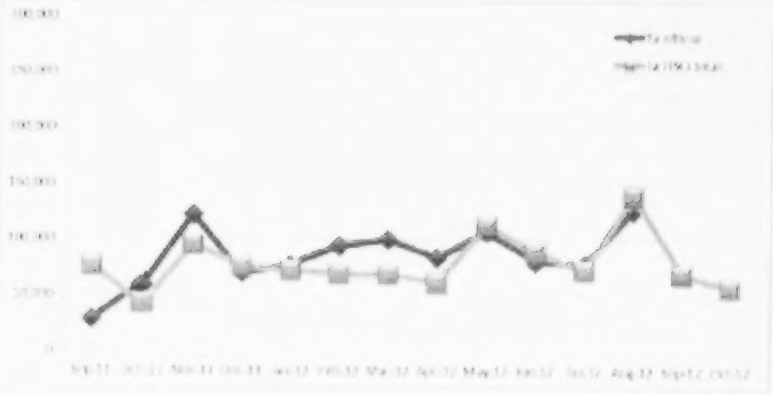
Burundi and Uganda – requires funding
We are also aware of other smuggling or unofficial export of minerals in Burundi and Uganda. The implementation of iTSCi has been proposed to the Ugandan Government but they do not consider further actions outside the support of the ICGLR to be necessary. The Government of Burundi on the other hand is keen to work with us on the programme, but in both countries, start up is impossible without costs being partly supported by non-industry sources. It has so far not been possible to find such financing.

ANNEX 2: EXPORT FIGURES FOR RWANDA SEPTEMBER 2011-2012

Notes:

- iTSCi and official exports use different reference weights and dates and will not be identical.
- Data for more recent months may be incomplete in this chart that was prepared in 2012
- An additional 159 t's of mineral has been recorded by iTSCi but with an unverified mineral type and this has therefore not been included in these charts





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CABLE ADDRESS -ADRESSE TELEGRAPHIQUE: UNATIONS NEWYORK

REFERENCE: S/AC.43/2012/OC.65

21 December 2012

Dear Sir,

On behalf of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, I have the honour to refer to the final report of the Group of Experts on the Democratic Republic of the Congo, dated 15 November 2012 (S/2012/843), which is available on the Committee's website: <http://www.un.org/sc/committees/1533/egroup.shtml>

In this connection, the Chair wishes to draw your attention to the following recommendation, which was presented by the Group of Experts in the aforementioned report:

> Paragraph 243 (j) (page 55): Exporters, processing industries and consumers of tin, tantalum and tungsten mineral products from the eastern Democratic Republic of the Congo and other "red flag" locations to invest in traceability and due diligence in the Kivus, Katanga, Maniema and Orientale Provinces in order to halt cross-border smuggling and preserve the credibility of the Rwandan tagging scheme;

The Committee would welcome receiving at your earliest convenience the views of ITRI with regard to the above-mentioned recommendation.

Yours Sincerely,

Agshin Mehdiyev
Chairman
Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Mr. David Bishop
Managing Director
International Tin Research Institute (ITRI)
Unit 3, Curo Park
Frogmore, St. Albans
Hertfordshire AL2 2DD
United Kingdom

Annex 114

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REFERENCE: S/AC.43/2013/GE/OC.45

03 June 2013

Dear Mrs. Nimmo,

Further to your letter of 22 January 2013 addressed to the Chair of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, which was conveyed to the Group of Experts on the DRC, and in addition to the initial reply of the Group dated 7 May 2013 (S/AC.43/2013/GE/OC.39), the Group would like to provide some more details on its work and findings, and request additional information from ITRI.

The Group acknowledges and salutes ITRI's role in promoting due diligence for the mining of tin, tantalum and tungsten in both DRC and Rwanda. Indeed, the Group highlighted several examples of progress in this sector in its reports in 2012. In its interim report of 21 June 2012 (S/2012/348), the Group discussed positive developments in Katanga (para. 140), and highlighted the suspension by the Rwandan government and ITRI of companies that were illegally tagging minerals smuggled out of Congo into Rwanda (para. 148). The Group's final report of 15 November 2012 (S/2012/843) underlined ITRI's involvement in the "conflict-free-tin" initiative in South Kivu (para. 204), and its crucial role in implementing tagging in Rwanda and promotion of UN due diligence guidelines (para. 212).

Your letter of 22 January stated that ITRI has not seen any "clear increasing trend in exports [of tungsten and tantalum] in the year preceding the most recent UN report" (p. 2). Based on research conducted by the current Group, it appears that while Rwanda's exports of tin declined during 2012 (compared to 2011), Rwanda's exports of tantalum and tungsten significantly increased. As shown in Annexes 1 and 2 (attached), Rwanda's exports of tantalum increased 25% in 2012 over 2011, while exports of tungsten increased 75% in 2012 over 2011. A one-year increase does not necessarily indicate a trend; however we note that Rwanda's exports of tantalum and tungsten during 2012 were significantly higher than in the three previous years.

In addition, there appears to be discrepancies between what Rwanda produced and what it exported during 2011 and 2012. While we recognize that some production and export figures for 2012 are provisional, this information gives the Group cause for concern.

Mrs. Kay Nimmo
Manager of Sustainability and Regulatory Affairs, ITRI Ltd
ITRI Representative to the iTSCi Governance Committee

cc: Mr. David Bishop,
Managing Director, ITRI

ITRI and the Group of Experts share a common interest in promoting due diligence for the 3Ts; therefore, the Group asks ITRI to help it understand this issue better by providing the most up to date and complete information available. Specifically, the Group would like to ask ITRI to provide annual (for 2011 and 2012) and monthly (for January 2011 to April 2013) data for Rwanda on the following:

1. Production (by net weight)
2. Exports (by net weight, and country of destination)
3. Imports (by net weight, and country of origin)
4. Re-exports (by net weight, and country of destination)
5. Transit (by net weight, country of origin, and country of destination)

For the following minerals:

1. Tantalum
2. Tin
3. Tungsten

The Group would be grateful if ITRI could provide the data in an Excel spreadsheet so that figures can be clearly identified.

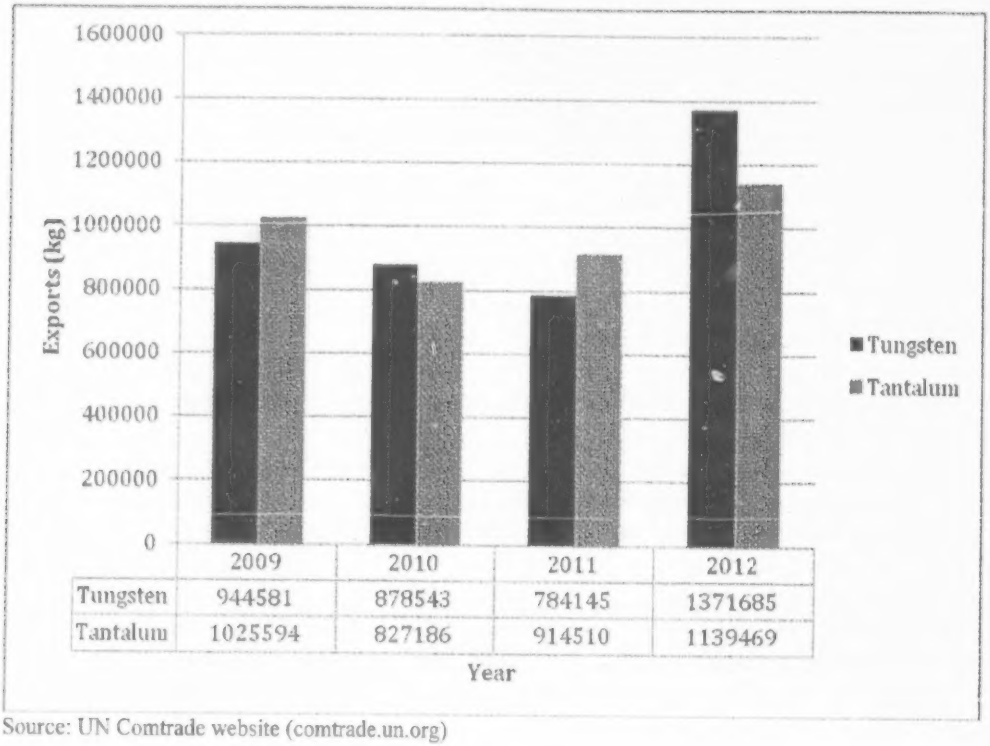
The Group of Experts appreciates the commitment of ITRI towards progressing traceability and due diligence in parts of eastern DRC and in Rwanda. The Group looks forward to receiving the requested data, and to working with you in the future on issues of mutual interest and concern.

I would be grateful if you could kindly send your reply, if possible, by 21 June 2013 to Mr. David Biggs, Secretary, Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo; United Nations Secretariat, TB-08041 A, New York, NY, 10017; tel.: 1-212-963-5598; fax.: 1-212-963-1300; e-mail address: biggs@un.org

Emilie Serralta
Coordinator
Group of Experts on the DRC
extended pursuant to Security Council
resolution 2078 (2012)

ANNEX 1

Rwanda, Exports of Tantalum and Tungsten, 2009-2012 (kg)



	2009	2010	2011	2012
Tungsten	944581	878543	784145	1371685
Tantalum	1025594	827186	914510	1139469

Source: UN Comtrade website (comtrade.un.org)

ANNEX 2

Rwanda, Exports of 3Ts, 2009-2012 (kg.)

	2009	2010	2011	2012
Tantalum	1,025,594	827,186	914,510	1,139,469
Tin	5,224,100	6,476,868	7,314,178	4,657,516
Tungsten	944,581	878,543	784,145	1,371,685

Source: UN Comtrade website (comtrade.un.org)